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Czechia

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I. Preparations at national level

1. The Czech government considers the Universal Periodic Review as an important component of its active participation in safeguarding human rights through international cooperation and dialogue. The methods of implementing the recommendations adopted in the second cycle in 2012 were discussed at meetings between government and civil society representatives. The situation in specific areas was monitored by human rights government advisory bodies which are the platform for discussions between government and civil society.[1] In December 2016, the Human Rights and Equal Opportunities Minister held a special meeting for government representatives and non-governmental organisations to evaluate the progress in implementing the recommendations.

2. The Human Rights Department of the Office of the Government, reporting to the Minister for Human Rights and Equal Opportunities, monitored the implementation of the recommendations throughout the period and prepared the national report. The national report drew on information from both government bodies and agencies, and non-governmental organisations. The report was discussed and commented on by the aforesaid advisory bodies. Also, the report was published on the website for the general public and civil society to have their say. After that, the report was approved by the government.

II. Implementation of recommendations given in previous review

3. In the second cycle of the Universal Periodic Review, the Czech government received 136 recommendations. The Czech government accepted 129 recommendations and took note of seven recommendations. Most of the accepted recommendations have been or are being implemented. The information on implementing the recommendations accepted and those taken note of is clustered by topic in this report. More details on the implementation of specific recommendations are given in the table appended to this report. The report describes the developments from 2013 to 2017 and follows up the midterm report submitted by the Czech government in 2015.[2]

A. International obligations (recommendations no. 1–22 and 29)

4. The Czech government ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography on 26 August 2013 and the Optional Protocol to the Convention on the Rights of the Child on a communication procedure on 19 November 2015, the Convention on Transnational Organised Crime and its Protocol against Smuggling of Immigrants by Land, Sea and Air and Protocol against the Illicit Manufacturing of and Trafficking in Firearms, their Parts and Components and Ammunition on 24 September 2013, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children on 17 December 2014. Amendments on the crime of aggression to the Rome Statute of the International Criminal Court were ratified on 12 March 2015, the Convention on the Protection of Children against Sexual Exploitation on 2 May 2016, the International Convention for the Protection of All Persons from Enforced Disappearance on 8 February 2017, and the Convention on Action against Trafficking in Human Beings on 29 March 2017. On 22 May 2017, the government approved and submitted to the Parliament a proposal for the ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities. The government is analysing the likely impacts of ratifying the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights

and ILO Convention no. 189 on Domestic Workers. The Czech government is not planning the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it believes these rights are ensured by the existing legislation and the measures described below.

5. The Czech Constitution provides that ratified international treaties are part of the Czech legal order and take precedence if in conflict with national legislation. Moreover, the Czech government seeks to bring the national legal order in compliance with an international treaty before its ratification. As a result, Czech laws had complied with both the Rome Statute of the International Criminal Court and the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment before their ratification. Czech laws recognise torture and other inhuman and cruel treatment as crime and define torture in accordance with the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The crime of torture and the effective prosecution thereof is being analysed so that it best fulfils the purpose of the Convention.

B. Combating discrimination (recommendations no. 23, 24, 42, 57, 59, 71, 73, 76, and 122–124)

6. The basis of the Czech anti-discrimination law is the Antidiscrimination Act prohibiting discrimination in access to employment, labour relation and access to housing. The act provides several options of defence for victims of discrimination. Victims can seek a judicial decision ordering that discrimination be stopped, its consequences be removed and the victim receive reasonable satisfaction, including monetary compensation for non-pecuniary damages. Since 2012, courts have decided a total of 60 cases. Victims can also complain to state authorities that investigate the case and may impose fines. State authorities inspect annually the equality of treatment.[1] Victims can also complain to the ombudsperson, who can advise the victim on how to defend their rights. Moreover, the ombudsperson conducts research and issues reports and recommendations on discrimination. Since 2009 the ombudsperson has received more than 2200 complaints and established discrimination in 184 cases.

7. In 2017, the Parliament did not pass the proposed extension of the ombudsperson's powers in combating discrimination. The government will continue to look for ways to ensure the most efficient protection for victims of discrimination in the Czech Republic while working with the ombudsperson and using her outputs and findings. For instance, the new system of class action may include a discrimination class action.

8. Adopted by the government in 2015, the Roma Integration Strategy 2015–2020 includes a goal of ensuring equal access to, and the protection of, rights and freedoms of the Roma community. This goal is pursued by monitoring both current and proposed legislation and policies as well as their practical impact on the Roma minority and making sure they are in compliance with the prohibition of discrimination. The legal aid system now in preparation, which is to introduce broader legal advice options for people in need as from 1 July 2018, may improve the protection of discrimination victims. Judges, public prosecutors, lawyers and administration officers are being trained in anti-discrimination law. Education promoting tolerance and respect for diversity and the raising of public awareness are part of the government's campaign against hate violence described below in chapter II.

C. Rights of the child (recommendations no. 25, 32, 34–39, and 85–91)

9. The Czech government continues to implement the National Strategy to Protect Children's Rights for 2012–2018. The strategy includes an objective to analyse the system of the protection of children's rights and the options for setting up an independent mechanism to monitor the implementation of the Convention on the Rights of the Child. Currently, the Ministry of Labour and Social Affairs is coordinating the implementation of the Convention. Also, the protection of the rights of the child is on the agenda of the ombudsperson, who deals with these issues as an independent body within its existing competence. The government will take further action using the findings of the aforesaid analysis.

10. The legislation provides that the eminent aspects in the social and legal protection of children are the best interests and the wellbeing of the child, the protection of parenthood and family, and the right between parents and children to parental upbringing and care. The specific situation of each vulnerable child must be assessed on a case-by-case basis by the authority responsible for the social and legal protection of children. Based on this assessment, an individual protection plan is prepared for the child, defining the problems and the corrective action. Officers for social and legal protection of children develop multidisciplinary collaboration through case-study conferences so that each case of a vulnerable child is addressed by all the relevant institutions and professionals such as pedagogy specialists and providers of social or healthcare services for the child and their parents.

11. Social and legal protection of children is also on the agenda of municipal officers, who receive methodology guidance from regional governments and centrally from the Ministry of Labour and Social Affairs. These authorities and bodies prepare binding methodologies and opinions, including practical steps and good practice examples, and support the training of officers in the methods of working with children and their families. Social and legal protection of children had been standardised in order to ensure a quality, transparent and non-discriminatory system of working with vulnerable children and their families, define qualification requirements and the operating and technical conditions of social and legal protection, and unify the work of authorities providing social and legal protection of children across the country.

12. The National Strategy to Protect Children's Rights defines the intention to transform the system of care for vulnerable children. The goal is to provide each child with an upbringing within a family environment. Where a child cannot be brought up within their own family temporarily or permanently, alternative family care is preferred to institutional care. Material poverty or lack of proper housing may not be grounds for courts or the authorities providing social and legal protection of children to remove a child from their family if the child's parents are otherwise fit to give the child proper upbringing and fulfil their parental responsibilities. The transformation promotes de-institutionalisation and the development of a network of outreach services provided in a child's natural environment, rehabilitating their family and aimed at allowing the child to stay with their parents.[4] The Ministry of Labour and Social Affairs also provides ongoing structured support in order to develop and professionalise foster care, streamline and standardise the process of placing children in foster care, and ensure professional and other training for both foster parents and the organisations arranging foster care.[5] As a result, the number of children placed in foster care has been rising since 2011 and the number of children in institutionalised care has been declining.[6]

13. Although Czech laws do not specifically recognise the crime of commercial sexual exploitation or the prostitution of children, such conduct is prosecuted as seduction to sexual intercourse or trafficking in children which covers any conduct related to using a

child for sexual intercourse or other forms of sexual abuse or exploitation. Also, participation in a child pornographic performance or establishing contacts with a child for sexual purposes is criminally prosecuted. Both customers and the persons benefiting from child prostitution are prosecuted within these crimes. A crime is also sexual duress, rape, sexual abuse of a child under 15[7], production and other handling of child pornography, and abuse of a child for pornographic production. Committing a crime on a child is an aggravating factor that justifies imposing a more severe punishment. The liability for these crimes lies also with legal entities. A dedicated phone line and an online form set up by the Czech Police hotline are in place for reporting these crimes. These methods can also be used for reporting suspicious web content, such as child pornography.[8]

14. The 2013 Act on Crime Victims provides that state authorities and other bodies must treat victims politely, considerately and with respect for their dignity. Under that act, victims have the right to comprehensible information about their rights and duties, the right to professional assistance, the right to privacy, the right to be protected from secondary victimisation, and the right to monetary aid to compensate to some degree for the harm suffered from the crime. Law enforcement authorities inform victims about professional assistance providers, such as the Probation and Mediation Service, lawyers and non-governmental organisations. Vulnerable victims, including children, are provided assistance free of charge. Courts, state attorney's offices and the police have been provided a uniform methodology with advice forms and basic information for crime victims. As many as 64 special interrogation rooms for child victims and witnesses have already been established across regional police headquarters and more are being set up. All police officers have been trained in protecting child victims and witnesses of crimes against secondary victimisation. The Czech Police collaborate with and hold training for the authorities providing social and legal protection of children, courts, state attorney's offices, schools and children's care facilities. In addition, prevention lectures for pupils and students are held.

15. The Czech government considers any violence towards children as utterly inadmissible in any environment. Both corporal and psychical punishments are banned in schools and social or healthcare facilities. Parents may apply their upbringing methods only to a reasonable degree and must not jeopardise the child's health or development or hurt the child's dignity. Where a child's favourable development within their family is put at serious risk or seriously disrupted, the court may remove the child from the parents' care by a preliminary ruling and ultimately, if need be, restrict the parents in, or deprive them of, their parental rights. A parent or other person may commit administrative offence if they unwillingly cause bodily harm to the child, treat the child grossly or threaten to do so. Causing bodily harm wilfully is a crime. Extreme cases are criminally prosecuted as battering a person entrusted to one's care by maltreating that person with a high degree of abuse and pitilessness that the person regards as harsh suffering without such conduct being continual or causing bodily harm to the victim.

D. Trafficking in human beings (recommendations no. 25 and 83–87)

16. The priorities of the government's National Strategy for Combating Trafficking in Human Beings for 2016–2019 are combating work exploitation, combating trafficking in children, and punishing offenders. The overall priority is an approach to victims that takes account of their vulnerability, the harm suffered, and gender. The strategy shall improve the identification of victims of human trafficking by raising awareness and sensitivity among the general public. Coordinated action and strengthened collaboration at all levels should help combat new forms of trafficking, such as work exploitation. In order to put the strategy into practice, the Ministry of the Interior is collaborating with other bodies and non-governmental organisations.

17. Trafficking in human beings is a constant topic in the training of police officers, judges and public prosecutors. In response to the current situation, the strategy focuses on training the persons dealing with migration and the integration of foreigners in the Czech Republic and the consular and labour inspectorate officers. Assistance to victims is supported through leaflets giving information about assistance and organisations offering advice. These leaflets have been translated into the languages spoken in the countries of origin of the most frequent victims.

18. In 2003, a special Programme Supporting and Preventing Victims of Trafficking in Human Beings in the Czech Republic was set up. As many as 204 likely victims of human trafficking had been included in the programme by 2016. Under the programme, victims of human trafficking are provided with comprehensive service[9] through partner non-governmental organisations that have been addressing the issue on a long-term basis. Collaboration with law enforcement authorities is no precondition for victims to be included in the programme.[10] Foreigners collaborating with law enforcement authorities may be granted permission for long-term residence in the Czech Republic.[11] The current strategy is reliant on the continuation and development of the programme.

19. Moreover, victims of human trafficking are provided psychological, social and legal aid at intervention centres. Victims can use other social services such as crisis assistance over the phone, shelters or social counselling.[12] The Act on Crime Victims regards victims of human trafficking as particularly vulnerable victims. Any victim who does not speak Czech is communicated information in a language they understand. The victim's status and rights do not depend on their residence status in the Czech Republic or willingness to collaborate with law enforcement authorities.

E. Institutional framework of human rights protection (recommendations no. 27–31)

20. The Public Defender of Rights (ombudsperson) already complies with many principles of national human rights institution according to the Paris Principles. The office of the ombudsperson is an independent institution with a budget of more than 100 million Czech crowns and 135 employees that receives and handles over 8,000 complaints each year with a success rate of over 90%. The ombudsperson's competence and powers are regulated in a special Law on Public Defender of Rights. The role of the ombudsperson is to monitor the authorities' adherence to law and the principles of good governance, and thus to contribute to the protection of fundamental rights and freedoms. The ombudsperson may not intervene in the business of authorities, cancel or alter their decisions. The ombudsperson may conduct independent investigations based upon a complaint or of its own accord. The ombudsperson's conclusions may specify recommendations for rectification and demand that authorities follow these. The ombudsperson may also advise the complainant how to defend their rights. Authorities must collaborate with the ombudsperson, disclose information to it and inform it of the corrective action taken. Otherwise, the ombudsperson communicates the case to superior authorities, the government or the general public. According to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment, the ombudsperson oversees places where persons are restricted in freedom. Also, the ombudsperson is the anti-discrimination body, as described above in chapter B, and monitors the protection of the rights of foreigners and the handling of foreigners in the expulsion procedure. The ombudsperson will be assigned to monitor compliance with the Convention on the Rights of Persons with Disabilities as well.

21. The ombudsperson is elected by the Chamber of Deputies for a period of six years, and is accountable and submits its regular reports to this chamber. The ombudsperson is

independent of any other authority or body. The office of the ombudsperson is financially independent and permanently discharges the ombudsperson's tasks. Using the findings from its work, the ombudsperson may recommend amendments to legislation, government policies or administrative procedures and submit such recommendations to the government or the Chamber of Deputies. The ombudsperson may analyse drafts of government policies and legislative measures early in the process and make comments in terms of the protection of human rights. The ombudsperson also works with academic institutions and non-governmental organisations, conducts research, organises professional conferences and publishes opinions and manuals. All information on the role of the ombudsperson is published on the ombudsperson's website.[13]

22. Accrediting the ombudsperson with the Global Alliance of National Human Rights Institution Sub-Committee on Accreditation is still under consideration.

F. Roma integration (recommendations no. 33, 44, 93, 105, 121–123, 127, and 129–135)

23. The government's Roma Integration Strategy 2015–2020 specifies measures aimed at bridging the gaps between Roma people and the rest of society in terms of education, employment, housing, and health and social care, providing the Roma community with better protection against discrimination, ensuring safe and tolerant coexistence of the Roma community and the rest of society and the development of the culture, language and involvement of the Roma community. In 2016, the government approved a methodology and indicators that will be used from 2017 to monitor and assess annually, along with civil society[14], how the strategy is put into practice.

24. In terms of employment, the objective is to reduce the unemployment rate of the Roma of working age by 10%. In order to increase their employment, the Roma are provided with equal access to active employment policy tools, such as re-qualification, community service or socially beneficial jobs. It is estimated that at least 3,200 Roma job seekers made use of these tools in 2016.[15] The number of Roma between 15 and 24 years of age who are not employed or in training for employment should drop by a fifth. In 2016, 451 young Roma people received support in securing their first job. Support is also provided in respect of social enterprises with a focus on poverty-stricken districts with a high density of the Roma population. A total of 33 social enterprise development projects received support in 2016.

25. In terms of housing, the objective is to reduce the Roma discrimination rate by 50% and increase the share of households with regular housing in socially excluded localities by 20%. Access of the Roma to housing will also be supported by setting up a new system of social housing under the Act on Social Housing.[16] The purpose is to provide standard housing at a reduced social rent for persons in need of a flat. Social housing development is supported by the government[17] as well as municipalities, which have in place various schemes supporting housing for socially disadvantaged groups, including Roma.

26. The strategy's goal in welfare is to ensure that Roma have access to social services. Therefore, these services will be developed in socially excluded localities and regional and municipal authorities will monitor whether and how Roma use the social services provided in their neighbourhood. Currently, a total of 758 services for ethnic minorities or socially excluded persons are up and running. Subsidies are granted primarily to outreach social work, community work and low-threshold services in order to mobilise socially excluded people.[18] The objective for socially excluded localities is to reduce the number of cases of Roma having unequal access to healthcare by 50%. Equal access of Roma to healthcare is promoted by training healthcare professionals in a sensitive approach and running

community outreach schemes to inform the Roma about prophylaxis, protection of health and a healthy lifestyle.

27. Integrating Roma children in both the pre-school and the regular education system is supported by training teachers using a culturally and socially sensitive approach, getting Roma children's parents involved, and raising awareness in the Roma community of the importance of the pre-school education system. The last grade of the pre-school education system has been compulsory since 2017.[19] Pupils coming from low-income families are provided assistance, such as free school meals.[20] Financial aid to socially disadvantaged Roma students in secondary and lower-tertiary schools continues to be extended to ensure that secondary school is started and completed by at least 15% and 10% more students, respectively.[21] Similarly, financial support is provided in order to ensure better higher-education accessibility in order to raise the share of university-educated Roma.[22] Moreover, support is provided for educational activities for adult Roma, emphasising the development of key competencies and functional literacy.[23]

28. The Government Council for Roma Minority Affairs is the government institution in charge of Roma integration and participation. It is comprised of the same number of central and local government representatives and Roma community representatives. Therefore, the Council is responsible for conducting a direct dialogue on protecting and developing the Roma minority and can suggest measures aimed at better protection of the rights of the Roma. The Council and its secretariat monitor and submit to the government annual reports on the progress of the implementation of the Roma Integration Strategy and the condition of the Roma minority. Fourteen regional Roma affairs coordinators oversee Roma integration in the regions. Roma counsellors are active in some municipalities.[24] The strategy aims to reinforce these mechanisms and provide them with central methodology guidance. Roma get involved in all these activities.

G. Equality between women and men (recommendations no. 34, 42–47, and 88)

29. The Government's Strategy for Equality Between Women And Men for 2014–2020 defines governmental measures aimed at accomplishing equality between women and men in the Czech Republic in the following spheres: balanced representation of women and men in decision-making positions; equality between women and men on the labour market and in business; work-life balance; dignity and integrity of women and men; gender stereotypes; and collection of statistical data. Each year the government updates the Government Priorities and Practices in Promoting Equality between Women and Men in order to accomplish the strategy's goals, and monitors its progress.

30. Equal representation of women and men in decision-making positions is a major goal of the strategy. The objective is to achieve at least 40% share of women in decision-making positions in both the private and public sector by 2020.[25] This has resulted in preparing the Action Plan for Balanced Representation of Women and Men in Decision-making Positions for 2016–2018. Government bodies are to seek balanced representation of women and men in Government and in decision-making positions in state administration and the bodies of the legal entities with governmental majority interest. A manual for political parties is being established dealing with higher participation of women. In 2016, the Ministry of Labour and Social Affairs launched a project called 22%[26] to Equality, the aim of which is to analyse the gender pay gap, recommend ways to bridge this gap, help labour inspectors in inspecting and penalising unequal pay, and run campaigns for the general public in order to close the gender pay gap as much as possible by 2020.

31. The government has also approved the Action Plan for the Prevention of Domestic and Gender-motivated Violence for 2015-2018. The main tasks are to reduce the rate of domestic violence and violence against women by reinforcing the collaboration between all stakeholders, providing better access to specialised services for victims of violence, reinforcing primary prevention schemes, setting up best practices for working with violent persons, and raising awareness among the public. In addition, gender-specific assistance schemes are being established for homeless women and men. Specific attention is paid to children who have been victims or witnesses of domestic violence. Special films and other materials are presented at schools and elsewhere to raise awareness of domestic violence.

32. Another priority is eliminating gender stereotypes in any sphere of society and systematic gender mainstreaming. In 2016, the government launched a That's Equality![27] campaign that deals with dispelling gender stereotypes, preventing domestic violence, and promoting work-life balance which is another key topic of the strategy. A work-life balance guidance for public administration and private organisations is being developed. Employers should support flexible ways of work, part-time jobs and home office. Both state and employers should also secure adequate capacity of pre-school facilities and other forms of children's day care, including a greater involvement of men child care. Similarly, improvements of the capacity and quality of care for dependent persons, such as the elderly or people with disabilities, will follow. For example, the government is preparing a new Family Policy and introducing an allowance for post-natal care for fathers or a long-term care allowance for people looking after their dependent family members.

H. Combating crime and racism (recommendations no. 40, 42, 48–72, 126, and 128)

33. The Czech government adopts regular Crime Prevention Strategies, which draw on the findings from crime prevention assessments and define new objectives and priorities for central, regional and local government. The current 2016–2020 strategy continues the collaboration between central, regional and local authorities in taking a proactive approach to addressing problems, exchanging information and taking effective action. The Ministry of the Interior provides financial and methodology support for crime prevention projects at national, regional and local levels. Nationwide projects deal with the prevention of child and juvenile delinquency and the assistance to crime victims, such as special interrogation rooms or the Programme Supporting and Preventing Victims of Trafficking in Human Beings. In socially excluded areas, the programme 'Dawn' is successfully followed by the projects 'Caretaker – Prevention Specialist', and 'Crime Prevention Assistant'. Approximately 500 assistants have already been operating across the country, employed by the municipal police and contributing to better safety and public order observance in their neighbourhood. The Czech Police have 14 liaison officers for minorities charged with mediating contact with minority communities and building up mutual trust.

34. Czech law regards racist propaganda and racist attacks as a crime. The criminal code covers these crimes: violence against a group of people or an individual; dangerous threatening; stalking; defamation of nation, race, ethnic or other group of people; and instigation of hatred against a group of people or suppressing their rights and freedoms. These most serious crimes are punished as crimes against humanity, such as genocide; attack against humanity; apartheid and discrimination of a group of people; persecution of population; establishing, supporting, promoting or expressing sympathies for movements aimed at repressing human rights and freedom. Moreover, in many crimes racial motivation is specified by law as a ground for imposing a more severe sentence.[28] In any other crime, racial motivation is an aggravating factor that justifies imposing a more severe punishment.

35. When prosecuting crimes motivated by racial or other type of hatred, public prosecutors attorneys pay more attention to establishing whether the offender was motivated by the fact or belief that the victim had been member of an ethnic or other group. Victims of any crime may seek in court compensation for the harm suffered and if the offender is convicted and it is established that the harm is due to the crime, the offender is ordered by the court to compensate the victim. The victims of racist crimes are considered particularly vulnerable victims and enjoy all the additional rights described above in chapter C.

36. Apart from criminally prosecuting each individual case, the government annually prepares a policy for combating hate crime and submits annual progress reports to the Parliament. The policy includes both repression and prevention of occurrence and spread of manifested hatred including awareness lectures presented in schools. A guidance manual covering practices in investigating hate crime has been prepared for the police. An analytical and methodology material for investigating hate crime is being prepared. The policy also focuses on crimes committed on the Internet or social networks. Any person can use the Czech Police hotline and report racist crime on the Internet.[29] The Judicial Academy holds courses, training and workshops for judges and public prosecutors that focus on hate crime, racism and xenophobia. Police officers are trained in the general aspects of hate-motivated crime and detecting and assessing the same.

37. In 2014, the government launched the Campaign against Racism and Hate Violence coordinated by the Agency for Social Inclusion attached to the Office of the Government. The primary goal of the campaign is to raise awareness of hate violence and promote social tolerance of minorities and social coherence. The campaign is primarily focused on young people, teachers, local government officials and police officers. The campaign's budget is nearly 40 million Czech crowns. The campaign officially finished in April 2017 but some activities will continue for the next five years. Working on a new campaign will start in 2018.

38. The main activities include a media campaign Against Racism and Hate Violence, which communicates how racism and hate violence may manifest itself and the ways to stand up to this phenomenon. The campaign includes the "HateFree Culture"[30] Facebook page and website[31] giving information dispelling the usual myths and stereotypes as well as information for the witnesses or victims of hate violence and their families. The purpose is to raise awareness of hate violence, present victims' stories, promote positive examples, and respond to malevolent behaviour with trustworthy information. Various public institutions, establishments or shops are taking part in the campaign and promoting the campaign's values as "Hatefree Zones".[32] Another activity is the spreading of good practices in socially excluded localities through websites and information materials for local government representatives, public administration employees and other social inclusion stakeholders. The campaign also includes educational activities for schools, for instance, the Mediation at School project trains students and teachers to resolve conflicts amicably. Training programmes for the police should enable police officers to understand the situation in socially excluded localities and improve their skills for preventing and combating hate crime and violence. Moreover, the campaign includes research into the issues likely to occur in socially excluded localities, such as usury or migration of socially excluded persons, in order to suggest action to prevent and combat these phenomena.

I. Rights of persons restricted in liberty (recommendations no. 41, 77–79, and 136)

39. In 2000, the Czech Republic was among the first countries to make a standing invitation to all special procedures of the Human Rights Council. The Czech government is

involved in intense communication with them, responds to their queries and provides the information required.[33]

40. Czech legislation has mechanisms in place to protect against malpractice and abuse of power by law enforcement authorities. Since 2012, the General Inspection of Security Forces (GISF) has been an independent law enforcement authority empowered to investigate crimes committed by members of the Czech Police, the Prison Service or the Customs Administration; these forces have no personal connections with GISF. The director of GISF was appointed by the government. GISF itself is supervised by bodies of the Chamber of Deputies of the Czech Parliament. Any person may request GISF to investigate whether a member of a security force has committed a crime. Like any other law enforcement authority, GISF must investigate any case within its competence. Since 2013, GISF has received a total of 415 complaints, of which criminal proceedings were initiated in 25 cases. GISF conducts reliability tests to examine how members of security forces react at the threat of a crime. Also, GISF monitors and assesses information on illegal activities of members of security forces and suggests precautionary measures, issues methodology recommendations and holds educational events for members of security forces.

41. Inspection mechanisms within security forces are in place. The Czech Police must investigate every single complaint about the behaviour of a policeman, take any corrective action necessary and inform the complainant of such action, if requested. Similarly, any person serving custody, imprisonment sentence or security detention may complain to the prison's director or the relevant inspection bodies about ill-treatment by personnel and other violation of rules. The Prison Service must report each case to the relevant authorities and immediately take any action necessary to prevent such behaviour. In prisons, complaints are made confidentially through authorised employees without any reprisal. The public prosecutor oversees how custody, imprisonment or security detention is served. The Ministry of Justice also inspects the treatment of persons in prisons by the Prison Service. Moreover, the treatment of any person restricted in liberty may be independently inspected by the ombudsperson as the National Preventive Mechanism under the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. The inspection mechanisms will continue to be monitored to ensure effective investigation of any ill-treatment.

42. The government Prison Policy primarily focuses on working with prisoners on their reintegration back into society to prevent their relapse. The restructuration of the types of prisons should facilitate working with the different types of prisoner according to their situation and needs. Support is provided for training and educating convicted persons[34], giving them employment during imprisonment[35] and after release, and improving treatment and pre-release preparation schemes. Probation and resocialisation schemes providing released prisoners with housing and employment are introduced and reinforced. More frequent use of alternative punishment as house arrest or pecuniary punishment is promoted. The Probation and Mediation Service monitors how these types of punishment are served to avoid their transformation into imprisonment. The conditions for serving custody or imprisonment will continue to improve, for instance, by setting up cells for fewer inmates or wards for the elderly or inmates with disabilities or convicted mothers caring for a baby. Ways to increase prison capacity will be investigated.[36] The Open Prison project and the socially responsible award of public contracts to employers employing convicts or persons with a criminal record are additional initiatives to prevent relapse and for reintegration of criminal offenders into society.

43. The Czech government confirms again that it investigated the suspicion that the Czech Republic had been involved in the CIA's rendition flights and has concluded that the suspicion is unfounded. No new facts on this issue have been established.

J. Inclusive education (recommendations no. 73 and 95–114)

44. The National Action Plan for Inclusive Education was revised by the Ministry of Education, Youth and Sports in 2012. The revision resulted in the "Consolidated Action Plan for the Execution of the Judgement of the European Court of Human Rights in the case *D. H. and others v. the Czech Republic* 'Equal Opportunities'"[37], which was replaced in 2014 with the "Revised Action Plan for the Execution of the Judgement of the European Court of Human Rights in the case *D. H. and others v. the Czech Republic* 'Equal Opportunities'".[38] Based on this plan, a new system of providing education for pupils with specific educational needs based on the inclusion of such pupils in mainstream education is effective from 1 September 2016. The legislation no longer categorises pupils by health or social status but addresses their problems in education and the necessary assistance. Pupils with special educational needs are pupils who need supportive measures in order to fulfil their educational potential or exercise or enjoy their rights on an equal basis with others. The preferred way of educating pupils with special educational needs is their integration into mainstream education. The placement of such a pupil in a special class or school is only allowed where individual integration along with the application of supportive measures is not sufficient to fulfil their educational potential and exercise their right to education. Each case must be carefully considered by a pedagogical counselling centre.

45. The basic step is to define the pupil's educational needs and provide the pupil with those supportive measures that will assist them in their education. A basic degree of teacher's support is part of standard education. The counselling centre suggests other supportive measures and educational modification. The purpose is to find a specific type of assistance for the pupil with special educational needs rather than typecast them. The measures should be adequate for the pupil's health, needs and living conditions and permit them to stay within the mainstream education. Supportive measures are provided free of charge. The education counselling centre, the school and the parents of the child collaborate on the practical implementation of the supportive measures. Where dissatisfied, the pupil or their parents as well as the school or a public authority (in particular, the authority for social and legal protection of children) may request that the National Institute for Education reviews the recommendation. Parents may also request a review of the examination report.

46. New diagnostic tools are being implemented that focus on assessing children's independence, self-reliance, social adaptability and study habits. Standards have been established to test all pupils with special educational needs, psychological and special educational diagnostic tools have been completed to more precisely define the skills of pupils coming from different cultural backgrounds. Tests mapping the adaptive skills of these pupils have been created. Since 2013, every counselling centre in the Czech Republic has had at least one member of staff trained to use such diagnostic tools, and this training is ongoing. In 2015, the Ministry of Education, Youth and Sports published methodology guidance for diagnosing mild mental disability or assessing cognitive skills of pupils coming from socially disadvantaged backgrounds. The diagnostic process is subject to oversight by the Czech School Inspectorate.

47. An important role in integration is played by teaching assistants in primary schools, who not only help Roma pupils become accustomed to the school environment but also work with them, their families and teachers in dealing with everyday tasks. Primary schools run free-of-charge preparatory classes that prepare children for successful transition to regular education. Since 2015, preparatory classes have been open to all children, rather than just those considered to be socially disadvantaged, in order to reduce the risk of segregation of Roma children in primary education. Since 2017, the last year of pre-school education has been compulsory, and free of charge, for all children to ensure they experience success in their first year of regular education. Schools and the social and legal protection authorities of children monitor children's school attendance and improve

collaboration with parents to ensure appropriate school attendance. The National Institute for Further Education improves teachers' competence in inclusive education. Control mechanisms are being introduced to ensure that pupils are not wrongly included in educational programmes that do not match their educational needs, overseen by the Czech School Inspectorate and pedagogical counselling centres.

48. These measures have been producing results. Investigations by the Czech School Inspectorate carried out in schools that have five or more pupils diagnosed with a mild mental disability in the school years 2013/2014 and 2014/2015 have revealed that the share of Roma children at these schools in an educational programme designed for pupils with a mild mental disability dropped by 11% and the share of these pupils in mainstream education rose by 12%. The drop and increase in 2014–2015 were 0.5% and 0.6%, respectively, but it was an actual total decrease and increase of nearly 1,000 and approximately 2,000 pupils, respectively.[39] Therefore, the number of Roma pupils in educational programmes considered appropriate for mild mental disability continues to decline and the number of Roma pupils in mainstream education continues to rise.[40] More than 85% of Roma pupils are in mainstream education compared to nearly 98% of the majority population. Moreover, the Annex to the Framework Educational Programme for Basic Education governing the education of pupils with a mild mental disability was removed in 2016 and used in designing an integrative curriculum.

49. The new system of education for pupils with special educational needs helps pupils with disabilities to receive education on an equal basis with others in accordance with the Convention on the Rights of Persons with Disabilities. The changes in legislation have enhanced their right to mainstream education independently of the school's situation and capacities; therefore, a pupil with a disability is equally as entitled to attend the catchment area school as are pupils without disabilities. The funding system has been made uniform and streamlined so that each supportive measure receives adequate funding according to its organisational demands. The tasks of teaching assistants have included the necessary assistance to pupils with severe physical disability in terms of taking care of themselves and their mobility during classes.

K. Rights of LGBT people (recommendations no. 74–75)

50. The registered partnership of same-sex persons has been recognised in the Czech Republic since 2006. In many respects, it has the same or similar status as marriage of persons of the opposite sex. Registered partners are next of kin to each other, have the same rights and duties in their partnership, decide on common matters, enter into obligations together and can mutually represent each other in common affairs. Partners have the duty to support each other and together they care for the children of either partner. The partnership does not restrict the partner's paternal responsibility or having a child entrusted in their care. In legal transactions, the partners have the same status as spouses; for instance, they can form a contract together to lease a flat and can mutually inherit property. However, some differences remain, particularly in family law. There exists no community property between the partners and a partner is not entitled to receive any widow's or widower's pension after the other partner dies. Registered partners are not permitted to adopt children together or use artificial conception methods.

51. Discrimination on the grounds of sexual orientation is banned by the anti-discrimination law throughout its applicability and any victim discriminated against because of sexual orientation may exercise all the options available for defending their rights. Yet some differences remain in respect of the rights of sexual minorities. Even though in 2016 the Constitutional Court cancelled the ban on adoption by registered partners, this has only allowed a partner as a single person, rather than a couple of partners,

to adopt a child; moreover, a partner is not allowed to adopt the child of the other partner. Second-parent adoption of a partner's child is proposed in several amendments to the Act on Registered Partnership that have been submitted by the government or MPs and are now discussed by the Chamber of Deputies. The attitude of the general public suggests an increasing tolerance of same-sex families. Similarly, other issues may be discussed in future including the access of single women or women in a registered partnership to assisted reproduction or the legal gender recognition of trans persons and the necessity for surgical interventions. Methodology guidance from the Ministry of Education, Youth and Sports assists teachers in educating about the rights of LGBT persons and preventing homophobia among children and youth by outlining recommended practices and literature on this topic as well as information about the organisations focusing on the rights of LGBT persons.

L. Illegal sterilisation (recommendations no. 80–82 and 94)

52. The principal means of redress for victims of illegal sterilisation is a court action seeking compensation for non-pecuniary harm suffered by breach of personal rights that can be either monetary or non-monetary. Originally, the case law considered these claims as not subject to statutory limitation. In 2008, the Supreme Court changed the legal interpretation and monetary compensation as any other monetary claims are subject to the regular statutory limitation period of three years from the occurrence of the harm. Since then courts have been rejecting claims for monetary compensation for non-pecuniary harm filed after the statutory limitation period. However, the Constitutional Court has held that the objection of statutory limitation needs to be assessed in the light of good morals, i.e. whether a party causes the limitation of their action and whether the application of statutory limitation is too harsh on that party given the circumstances. Therefore, the Supreme Court did not admit in 2011 the objection of statutory limitation in a case of illegal sterilisation, and the patient was successful in receiving compensation. A similar decision was delivered by the Supreme Court in 2014. Other forms of redress of non-pecuniary harm, such as moral satisfaction or stopping the infringement or removing the consequences thereof, are not subject to statutory limitation and may be sought at any time. In all cases of illegal sterilisation, Czech courts established that a sterilisation without a free and informed consent was illegal and ordered that the hospital give moral satisfaction in the form of an apology. Moreover, if the legislation regulating statutory limitation were changed, it would only apply to cases that would take place after that change, in accordance with the principle of legal certainty.

53. In 2015, the Czech government discussed the draft of an act to regulate compensation for illegally sterilised persons, but did not approve it. The government carefully considered all the arguments resulting from the Czech constitutional order, the case law of Czech and international courts, including the Constitutional Court and the European Court of Human Rights, the opinions of the ombudsperson, and the recommendations of international human rights bodies. The government did not conclude the mechanism was effective and continues to believe that court action is a sufficient means of redress in terms of the government's international obligations. It has always perceived the establishment of a compensation mechanism as an accommodating ex gratia step going beyond these obligations.

54. The law requires a patient's written consent for sterilisation to be lawful. The doctor is required to inform the patient prior to sterilisation of the nature, consequences and risks of the intervention, in front of at least one witness. A minimum gap of seven days between the information and the consent for sterilisation for medical reasons and 14 days for sterilisation for non-medical reasons is required in order to give the patient time to consider all the circumstances of the intervention. Written informed consent includes the following:

the information about the purpose, nature, benefit, consequences and risks of the intervention; advice on the alternatives to the intervention, possible future limitations and stress for the organism, the treatment mode, and the suitable prevention. Such consent also includes brief information about the anatomy of internal sex organs. By signing such consent, the doctor, the patient and the witnesses confirm that this information has been provided, received and understood. The consent, along with a record of the provision of information, forms part of the patient's medical file. Model written informed consent has been published in the Journal of the Ministry of Health and is used by providers of healthcare services. The consent form has been translated into Roma language. The final consent must be given by the patient immediately before the operation. The Ministry of Health also supports the training of doctors and the raising of public awareness of patients' rights.

M. Rights of foreigners (recommendations no. 92–93 and 115–120)

55. The Czech Republic is a party to both the Convention Relating to the Status of Refugees and the Convention Relating to the Status of Stateless Persons. The rights of any foreigner residing in the Czech Republic, i.e. migrants, asylum seekers, refugees and stateless persons, are regulated under the Act on the Residence of Foreign Nationals and Asylum Act in accordance with the constitutional order and international treaties. In 2016, nearly 500,000 foreigners were staying in the Czech Republic, of which 55% had been granted permanent residence. More than 480,000 foreigners had been staying in the Czech Republic for more than 12 months, which accounts for 4.5% of the Czech Republic's population.[9] Nearly 3,000 refugees were staying in the Czech Republic during the same year. For several years, the Czech Republic has been annually reporting between 1,000 and 1,500 asylum applications, of which approximately 500 are granted.

56. Each foreigner is advised in accordance with the Act on the Residence of Foreign Nationals that they may file court action against an expulsion decision within 10 days of its service. The court action has a suspensive effect on the enforcement of the decision if the reason for expulsion is other than a threat to national security. The court must decide the case within 60 days. The person seeking asylum is placed in a secure reception centre only for a time necessary for their identification and medical examination. Exceptionally, that person may be required to stay at the centre for longer should they pose a threat to public order, hinder their identification or fail to cooperate during the procedure and no alternative measure can be applied. The person may file a court action against their detention and the court must decide the case within days. Minor asylum seekers, families with children and other vulnerable asylum seekers are not detained.

57. The conditions for the education of foreigners in the Czech Republic are similar to those applicable to Czech nationals. The children of foreigners have the right to access free-of-charge pre-school and school education as part of compulsory school attendance. Access to secondary education and tertiary technical education is only given to foreigners with legal residence in the Czech Republic. Access to university education is not subject to restrictions.

58. The protection of migrant workers is closely related to combating human trafficking and labour exploitation. Law enforcement authorities and labour inspectorate officers are trained in identifying and assisting the victims of human trafficking. In 2014–2015, the Ministry of Labour and Social Affairs ran a project Innovations as Prevention of Labour Exploitation of EU Nationals. The project was collecting other countries' experience of labour exploitation, and the need and situation of the target group of labour exploitation. The project was followed by an information campaign targeted at both potential victims and relevant authorities. Moreover, the project resulted in a Draft Policy for Preventing Labour

Exploitation of EU Nationals in the Czech Republic, which was used in the government's policy combating human trafficking and other activities of authorities.

59. Foreigners wishing to come to the Czech Republic from countries outside the EU/EEC for work or other reason receive instruction at the embassy in the country of origin and after the arrival in the Czech Republic can take part in adaptation and integration courses, in which they are informed about their rights and duties. Also, foreigners can use special community interpreters and intercultural officers, whose job is to help foreigners in the Czech Republic obtain sufficient information and be self-reliant.[42]

N. Combating corruption (recommendation no. 26)

60. In 2014, the government adopted a Policy for Combating Corruption for 2015–2017. The policy's priority includes an efficient and independent executive operating under the 2014 Act on civil service, which is now being put into practice. An internal service regulation defines the code of conduct for civil servants. The central state authorities prepare annually internal anti-corruption programmes regulating corruption risk management and suspected corruption procedures. Transparency and open access to information are among the priorities: the Act on the Collection of Acts and the Collection of International Treaties has been enacted to ensure full electronic access to all legislation as from 2020. In addition, new rules of funding political parties and movements and their election campaigns have been adopted and the independent Oversight Office of the Economic Management of Political Parties and Movements has been established. Economical use of state property should be enhanced through a new Act on Public Procurement, Act on Registering Public Contracts and Agreements and Act on Proving Origins of Assets. The Chamber of Deputies is discussing a bill extending the powers of the Supreme Audit Office to audit territorial self-governing units, public legal entities, and business corporations with state interest, and a new bill to regulate management and control in public administration. Legal rules for nominating state representatives in companies and state enterprises and a new act on public prosecutors have not yet been adopted. The main task in the development of civil society is the legal rules on whistle-blower protection, which is currently being discussed by the Chamber of Deputies.

III. Meeting of voluntary pledges of the Czech Republic

61. The Czech Republic sat in the Human Rights Council in 2006–2007 and 2011–2014 and seeks its third membership for 2019–2021.[43] In its previous candidacy for membership in the Human Rights Council in 2010, the Czech Republic assumed many voluntary pledges and performed them in the following years. During its membership in the Council and other periods, the Czech Republic took an active part in the Council's work, proposed and supported main resolutions of the Council and special rapporteurs and other mechanisms of the Council.[44] The Czech Republic made a total of 903 recommendations during the previous two cycles of the Universal Periodic Review. The Czech Republic gives particular support to the involvement of non-governmental organisations and civil society in the Council's work and the protection of human rights at both national and international levels. The Czech Republic cooperates with the UN treaty bodies in the due performance of its international obligations. Also, the Czech Republic gives financial support to the OHCHR and other UN mechanisms, such as UNICEF, UN WOMEN, the UNDP or the PBC, and takes part in the work of these bodies.[45] The Czech Republic annually spends about 50 million Czech crowns on projects promoting human rights and democratisation in third countries. The Czech Republic has met most of its other

obligations by implementing the recommendations from the UPR or performing the activities described below.

IV. Other human rights issues in the Czech Republic in 2013–2017

62. This period saw a single constitutional amendment, which has limited the immunity of deputies, senators and Constitutional Court judges to the term of their mandate or office. In this period, no amendment was made to the Charter of Fundamental Rights and Freedoms, which provides their constitutional protection. The fundamental framework of human rights protection has remained unchanged and has been reinforced by the ratification of many international conventions referred to above.

63. Many steps taken by the Czech government in protecting human rights have been mentioned in the description of the implementation of the recommendations. Other steps include the regulation of use of personal data in combating crime and terrorism in order to ensure their protection and effective operations of the security forces. Psychiatric care reforms to be implemented by 2023 should lead to transforming institutional care into community care that would be locally accessible to patients and support their integration into daily life in accordance with the current human rights standards. The process of involuntary placement in a social service facility has been amended to respect clients' rights, ensure court protection of their personal liberty and provide better monitoring of their situation. In the reported period, the government continued to increase the minimum wage to ensure dignified living in accordance with international obligations.[46]

64. In accordance with some recommendations, the government focuses on social inclusion and the protection of the rights of vulnerable groups. The 2014 Social Inclusion Strategy aims, through social work and other measures, to reduce the number of people at risk of poverty. The strategy's purpose is to maintain by 2020 the number of people at risk of poverty or material deprivation and those living in low work intensity households at the 2008 figure and make efforts leading to reducing this number by 30,000.[47] This strategy is the basis for the Strategy for Combating Social Exclusion for 2016–2020, which is the core document for the governmental Agency for Social Inclusion that teams up in local partnerships with municipalities with socially excluded localities to help them prepare measures for the social reintegration of their population. Moreover, specific governmental strategies are in place addressing other groups of the population, such as the elderly, the homeless or people with disabilities. The National Action Plan for Positive Ageing for 2013–2017 aims at responding to the demographic ageing of the population and creating a friendly environment for the elderly that guarantees a high quality of life and protects their rights. The National Action Plan to Promote Equal Opportunities for the Persons with Disabilities for 2015–2020 draws on the nearly 25 years of promoting their rights in the Czech Republic and is the fundamental framework for implementing the Convention on the Rights of Persons with Disabilities. Since 2013, the government has had in place a dedicated homelessness policy that considers quality and stable housing as the basis for social inclusion.

65. The Constitutional Court has reinforced the right of crime victims to effective investigation and compensation in criminal proceedings in accordance with international standards. The Supreme Administrative Court has defined limits for using CCTV for safeguarding property and delivered judgements on the protection of the freedom of assembly, which was followed by changes in legislation. Courts have held that refusing to rent a flat to Roma people is racial discrimination, and expressed opinion on restricting religious symbols at schools.

66. Concerning recent human rights issues, the Czech government has turned its attention to the topic of business and human rights and is preparing a national action plan in accordance with the Guiding Principles on Business and Human Rights. This action plan should be the core document for the regulation of business activities in accordance with human rights and is expected to be approved this year. This year the Czech government has approved the Czech Republic Strategic Framework till 2030, which defines where the Czech Republic should be heading in the upcoming decades in accordance with the Sustainable Development Goals. This framework is to be a document governing any activities of state administration in order to ensure a high quality of life for the population of the Czech Republic. The implementation of some goals is also facilitated by some of the steps described above.[48]

67. The 2015 migration crisis was a major challenge for the Czech Republic. An increased number of foreigners illegally staying in the Czech Republic resulted in deteriorating conditions in detention facilities[49], which thus could no longer provide reasonable conditions for all foreigners and their families. The situation improved after two more facilities opened in 2015 and 2016. Three detention facilities are currently in operation where foreigners can be placed and these provide both sufficient capacity and a high standard of overall conditions. All the facilities have a sufficient number of trained staff members, including social workers, interpreters and medical professionals. One facility is designed for families with children where the staff, interior equipment and free-time activities reflect their specific needs. Children stay with their parents at the facility for a maximum period of 90 days. After 2015, the placement of a child at the facility must be legally in compliance with the Convention on the Rights of the Child. Otherwise, different special measures, such as bail or reporting one's stay to the police, must be undertaken to ensure that the foreigner leaves the Czech Republic. The duty for foreigners to cover the costs of their stay at the facility has been regulated in more detail in the Act on the Residence of Foreign Nationals since 2016.

Notes

[1] Primarily, it is the Government Council for Human Rights and committees attached to this Council: the Committee for the Rights of the Child, the Committee for the Rights of Foreigners, the Committee against Torture and Other Cruel, Inhuman and Degrading Treatment, and the Committee for Sexual Minorities; the Government Council for National Minorities; the Government Council for Roma Minority Affairs; the Government Council for Gender Equality; the Government Council for Anti-corruption Coordination; and the Interdepartmental Coordination Group for Combating Human Trafficking.

[2] See http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/CZ/CzechRepublicMidTermReport.pdf

[3] The State Labour Inspection Office annually investigates approximately 300–400 complaints and identifies a breach of regulations in around 100 cases. The Czech Trade Inspection undertakes approximately 1,500 inspections a year on average and establishes discrimination in around 20 cases.

[4] Such services are provided by more than 1,000 organisations across the Czech Republic.

[5] In 2015, the number of foster parents amounted to 11,121 and additional 7,762 persons looked after children through a different form of alternative family care.

[6] In 2015, a total of 18,151 children were in substitute family care whereas 8,972 children were in different forms of institutionalised care.

[7] The Czech legal age for sexual intercourse is 15 years of age. Any sexual intercourse with children under 15, whether with consent or not, is a crime which corresponds to the crime of sexual abuse. In respect of children aged between 15 and 18, only sexual intercourse without consent or for payment or other consideration is illegal (such intercourse is naturally illegal also with children under 15), which corresponds to the crimes of trafficking in people, sexual duress or seduction to sexual intercourse.

[8] See the website http://aplikace.policie.cz/hotline. In 2016 alone, the application received more than 3,000 complaints, of which nearly 200 were decency crimes, including sexual violence.
[9] It is primarily crisis intervention, board and lodging, psychological and social care, or health care.
[10] In spite of that, all of the 14 victims included in the programme in 2016 consented to requesting that investigating, prosecuting and adjudicating bodies investigate their cases.
[11] Also since 2003, as many as 96 voluntary returns paid by the government have taken place under the Voluntary Return Programme (which is) in collaboration with IOM. This programme is a part of the Programme Supporting and Preventing Victims of Trafficking in Human Beings in the Czech Republic.
[12] As many as 100 organisations and agencies provide this service in the Czech Republic.
[13] www.ochrance.cz/en
[14] Primarily, it is the Government Council for Roma Community Affairs and its committees and working groups, the Government Council for National Minorities, and non-governmental organisations involved in Roma community integration.
[15] These data only come from some regions with high unemployment rates.
[16] The Bill on social housing has been approved by the government and submitted to Parliament this year.
[17] Since 1998, the government has provided support for the development of nearly 10,000 social flats for persons on low income.
[18] In 2016, a total of 27 organisations implemented projects under the Social Exclusion Prevention and Community Work. Support Scheme run by the Office of the Government and focused on supporting the integration of Roma; the projects delivered support to a total of 4,174 clients.
[19] More than 1,100 schools across the Czech Republic have been working with Roma parents this way.
[20] In 2016, 30 million Czech crowns were allocated for this support and more than 5,000 pupils were supported.
[21] A total of 1,412 students received such aid in 2016.
[22] As many as 366 study grants to Roma university students at a total value of 8.5 million Czech crowns were provided in the Czech Republic between 2010 and 2016. Additional students have received aid from private foundations.
[23] A total of eight projects received such aid in 2016.
[24] In 2016, a total of 221 counsellors were active.
[25] Currently, the overall representation in national, regional or local assemblies is about 20–24%. The government representation share is 18% and the state administration representation shares range from 27% to 43% depending on the level of hierarchy. In contrast, the approximate share of women in judiciary is 60%. Available data show that this representation share in the private sector is about 10%.
[26] This is the current gender pay gap in the Czech Republic.
[27] The Facebook presentation has won more than 2,300 followers and 2,200 likes.
[28] For example, it is these crimes: murder; bodily harm; torture and other inhuman and cruel treatment; illegal confinement or restraint; kidnapping; or abusing an official's authority.
[29] A total of 133 incidents were reported in 2016.
[30] This page has attracted over 56,000 followers and 57,000 likes.
[31] http://www.hatefree.cz/ This website has 40,000 visitors on average each month.
[32] There are 280 zones across the Czech Republic.
[33] See A/HRC/23/39/Add.2, p. 20; A/HRC/25/55/Add.3, p. 22 or A/69/336, p. 5–6.
[34] In 2016, as many as 157 prisoners completed vocational courses, 350 language courses, and 531 IT courses.
[35] By the end of 2016, more than 7,600 persons had been in employment, and the prisoner employment rate was more than 50% of all prisoners fit for work.
[36] By the end of 2016, Czech prisons had held a total of 22,481 persons, which accounted for 108.3% of their capacity.
[37] https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2186980&SecMode=1&DocId=1953724&Usage=2
[38] https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2684956&SecMode=1&DocId=2234972&Usage=2

[39] The number of the schools which gather the data, and therefore the number of pupils in all groups, was increased as from school year 2014/2015.

[40] The total number of pupils dropped in school year 2016/2017, so the differences are smaller but the positive trend continues.

[41] This has been the highest number in the history of the Czech Republic.

[42] Information about this and other services is available on multilingual websites www.imigracniportal.cz and www.cizinci.cz.

[43] In 2014, the Czech ambassador and permanent representative to Geneva was Vice-President and Rapporteur to the HRC.

[44] The Czech Republic regularly raises resolutions on equal participation in political and public affairs (four resolutions since 2013) or rights to freedom of peaceful assembly and of association (four resolutions since 2010).

[45] The last year's untied contribution of the Czech Republic to the operations of OHCHR is 1.25 million Czech crowns. The Czech Republic has contributed 200,000 Czech crowns to the operations of the SPT and the same amount to the Voluntary Fund for Victims of Torture. The Czech Republic wishes to continue to make, and perhaps raise, financial contributions to OHCHR. The Czech Republic has contributed to various activities of UNDP more than 60 million Czech crowns. Several million Czech crowns have been contributed by the Czech Republic to various projects of UNICEF or PBC.

[46] Between 2013 and 2017, the minimum wage was raised from 8,000 to 11,000 Czech crowns.

[47] The population in the Czech Republic ranks among those EU populations that are at the least risk of poverty and social exclusion. See http://ec.europa.eu/eurostat/statistics-explained/index.php/People_at_risk_of_poverty_or_social_exclusion

[48] For instance, the activity in the field of Roma integration and the combating of social exclusion contribute to implementing goals 1, 3, 8 and 10; the activity in the field of inclusive education contributing to implementing goal 4; the activity in the field of the rights of women and men contributing to implementing goal 5; and goal 16 is implemented by the activity taken in combating racism, human trafficking, discrimination and corruption.

[49] The law provides that foreigners may be placed at the facility for the purpose of administrative expulsion, departure or handover or transition if the foreigner, when his/her term of residency expires or the proceedings to grant international protection are completed, fails to leave the Czech Republic voluntarily and could pose a threat to national security or disrupt public order in a serious manner, frustrate or hinder the execution of the administrative banishment decision, fails to leave the territory as ordered by an administrative banishment decision or fails to discharge his/her duties if another special measure is imposed.

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Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies[1, 2]

2. The Committee on the Elimination of Discrimination against Women urged Czechia to accelerate the process of ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention).[3] It encouraged Czechia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.[4]

3. The Committee on the Elimination of Racial Discrimination encouraged Czechia to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization (ILO).[5]

4. The Committee on the Rights of Persons with Disabilities called on Czechia to ratify the Optional Protocol to the Convention, as it had undertaken to do during the second cycle of the universal periodic review[6] and in line with the National Plan on Promoting Equal Opportunities for Persons with Disabilities 2015-2020.[7] It encouraged ratification of the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind, Visually Impaired, or Otherwise Print Disabled.[8]

5. The Committee on Economic, Social and Cultural Rights encouraged ratification of the Optional Protocol to the Covenant.[9]

6. The Human Rights Committee reiterated its concern at the continuing failure of Czechia to implement the Committee's Views under the Optional Protocol to the Covenant, in particular the numerous cases concerning restitution of property.[10]

7. Czechia submitted its midterm report regarding the implementation of recommendations made in 2012 during the second review cycle.[11]

8. Czechia contributed annually to the Office of the United Nations High Commissioner for Human Rights OHCHR during the period since 2012.[12]

III. National human rights framework[13]

9. The Committee on the Elimination of Discrimination against Women welcomed the adoption of the Act on health-care services, as amended, and of a strategy for equality of women and men covering the period 2014-2020.[14]

10. The Committee on the Elimination of Racial Discrimination welcomed the adoption of the Roma Integration Strategy 2014-2020, the Inclusive Education Action Plan for 2016-2018, the amendment to the School Act and the Migration Policy Strategy.[15]

11. The Committee on the Rights of Persons with Disabilities welcomed the prohibition of direct and indirect discrimination of persons with disabilities in the Act on equal treatment and legal means of protection against discrimination (the Anti-Discrimination Act) and the decision of the Supreme Administrative Court recognizing the right of children with disabilities to live in the community.[16]

12. The Committee on Economic, Social and Cultural Rights welcomed the adoption of the 2009 Criminal Code, which provided for the punishment of racially motivated crimes; the increase in the minimum wage; and the adoption of the first strategy on prevention of and solutions to homelessness.[17]

13. The Human Rights Committee welcomed the adoption of the Anti-Discrimination Act, and the new Civil Code, which abolished the full deprivation of legal capacity as of 2014.[18]

14. The same Committee recommended establishing a national human rights institution with a broad human rights mandate and providing it with adequate financial and human resources, in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).[19] Other treaty bodies made similar recommendations.[20]

IV. Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

1. Equality and non-discrimination[21]

15. The Committee on Economic, Social and Cultural Rights recommended amending the Anti-Discrimination Act with a view to expanding the grounds of discrimination explicitly prohibited by the Act and incorporating rights contained in the Covenant that were not covered by the Act.[22] The ILO Committee of Experts on the Application of Conventions and Recommendations made similar recommendations.[23]

16. The Human Rights Committee noted with concern that Roma continued to suffer from discrimination, widespread unemployment, insufficient access to subsidized municipal housing, forced evictions and territorial segregation.[24] The Committee on Economic, Social and Cultural Rights raised similar concerns.[25] The Human Rights Committee recommended that Czechia establish a consolidated strategy to promote access by Roma to various opportunities and services at the regional and municipal levels, including, where appropriate, through temporary special measures.[26]

17. The Committee on the Elimination of Racial Discrimination was concerned at the continuing racial hatred and racially motivated violence against Roma, the spreading of

prejudice and stereotypes about refugees and asylum seekers through websites and social media, the increase in the expression of Islamophobia and the media's excessive highlighting of the ethnic origin and nationality of non-citizens in the reporting of criminal offences.[27] The Human Rights Committee raised similar concerns, including about the prevalence of an anti-Roma climate; the use of discriminatory remarks against Roma by politicians and in the media; and extremist demonstrations, marches and attacks directed against members of the Roma community.[28] With regard to one specific anti-Roma demonstration in May 2013, several special procedure mandate holders raised similar concerns,[29] to which Czechia sent a detailed reply.[30] The Committee on the Elimination of Racial Discrimination recommended that Czechia firmly condemn hate speech by public officials and politicians, effectively investigate racist hate speech and racially motivated violence and prosecute perpetrators, and adopt appropriate legislation for the media in order to promote informed, ethical and objective media and encourage media to adopt codes of professional ethics that incorporated human rights standards.[31] The Human Rights Committee made similar recommendations.[32]

2. Development, the environment, and business and human rights[33]

18. The Committee on Economic, Social and Cultural Rights encouraged Czechia to adopt a timeline for achieving the international commitment of 0.7 per cent of its gross national income in official development assistance and pursue a human rights-based approach in its development cooperation policy.[34]

19. The Committee on the Rights of Persons with Disabilities urged Czechia to ensure that disaster risk reduction and emergency response mechanisms were inclusive and accessible to all persons with disabilities.[35]

B. Civil and political rights

1. Right to life, liberty and security of person[36]

20. The Committee on the Elimination of Racial Discrimination was concerned that no effective compensation mechanism had been established for the victims of forced sterilization, that no perpetrators had been brought to justice, that Czechia retained the three-year statute of limitations for claims for compensation for forced sterilization and that sterilization continued to be used as one of the main contraception measures for Roma women.[37] Several treaty bodies raised similar concerns.[38] The Committee on the Elimination of Discrimination against Women noted with concern that the draft legislation on the establishment of extrajudicial mechanisms had been rejected by Parliament.[39] Several special procedure mandate holders raised similar concerns in an allegation letter,[40] to which Czechia sent a detailed response.[41] The same Committee reiterated its call to review the three-year time limit in the statute of limitations for bringing compensation claims in cases of coercive or non-consensual sterilizations with a view to extending it and, as a minimum, ensure that the time limit began from the time of discovery of the real significance and all consequences of the sterilization; to establish an ex gratia compensation procedure; to provide all victims with assistance in gaining access to their medical records; and to prosecute and adequately punish those who had illegally practised coercive or non-consensual sterilizations.[42] The Human Rights Committee recommended that Czechia ensure free legal assistance and advice to victims and monitor the implementation of the Act on specific health-care services to ensure that all procedures were followed in obtaining the full and informed consent of women, particularly Roma women, who sought sterilization at health facilities.[43] Other treaty bodies made similar recommendations.[44]

21. The Committee on the Rights of Persons with Disabilities urged Czechia to abolish the practice of sterilization of persons with disabilities without their free and informed consent and amend the Civil Code and the Act on health care accordingly.[45] It urged Czechia to end the practice of imposing surgical castration and any other kind of forced treatment, as a form of punishment, on persons with disabilities who were deprived of their liberty.[46]

22. The Human Rights Committee noted that the use, under the Act on health care services, of enclosed restraint beds (cages/net beds) on psychiatric patients constituted inhumane and degrading treatment. It recommended abolishing such beds in psychiatric and related institutions and ensuring that abuses were effectively investigated and prosecuted and redress was provided to the victims and their families.[47] The Committee on the Rights of Persons with Disabilities made similar recommendations, notably to immediately prohibit the use of mechanical and chemical restraints in psychiatric institutions on persons with psychosocial disabilities.[48]

23. While welcoming the criminalization of various forms of child abuse and the various initiatives to prevent those practices, the Human Rights Committee was concerned about the large number of victims of sexual abuse and the small number of cases reported by victims. It was also concerned that corporal punishment was not explicitly prohibited by law in public institutional settings and in the home. The Committee recommended that Czechia ensure that all cases of abuse of children were promptly investigated, perpetrators brought to justice and practical steps taken to put an end to corporal punishment in all settings.[49]

2. Administration of justice, including impunity, and the rule of law[50]

24. The Human Rights Committee was concerned that persons deprived of, or with limited, legal capacity could be confined in social care institutions without being subject to any legal requirement for justification for their confinement or consideration of less restrictive alternatives and without having a legal right to bring proceedings to have the lawfulness of their confinement decided by a court, and that there was no maximum period of time after which the decision on their confinement must be reviewed.[51] The Committee on the Rights of Persons with Disabilities expressed similar concerns.[52] The Human Rights Committee recommended that Czechia establish, on an individual basis, the necessity and proportionality of any measure limiting the legal capacity of persons with mental disabilities, and ensure that all persons who had their legal capacity restricted would have prompt access to an effective judicial review of the decisions and free and effective legal representation in all proceedings regarding their legal capacity.[53] The Committee on the Rights of Persons with Disabilities was concerned about the absence of case law relating to judicial protection from disability-based discrimination and the lack of access for blind persons and persons with intellectual and psychosocial disabilities to judicial and administrative proceedings.[54] It called upon Czechia to take all measures necessary to foster the use of legal remedies available to persons with disabilities who faced discrimination and inequality.[55]

25. The Committee on the Elimination of Discrimination against Women reiterated its concern regarding the low number of gender discrimination lawsuits filed and the fact that women often preferred out-of-court settlements owing to, inter alia, the financial cost of litigation and the difficulty of substantiating incidents of gender discrimination.[56] It recommended that Czechia establish a comprehensive system of free legal aid for women without sufficient means to pay for legal assistance in anti-discrimination proceedings. It also recommended that Czechia consider legislative reforms to allow for *actio popularis*, including in cases of gender discrimination.[57]

26. The Committee on the Elimination of Racial Discrimination was concerned at the low level of knowledge of the Anti-Discrimination Act among law enforcement and judicial officials and the low level of understanding by victims of racial discrimination about their rights and complaint mechanisms. It was also concerned at excessive delays in court proceedings, high court fees and the lack of free legal aid for victims. It recommended raising awareness of anti-discrimination laws, including the Anti-Discrimination Act, and relevant complaint mechanisms among law enforcement and judicial officials and ethnic minorities, reducing court fees and providing the victims of racial discrimination with free legal aid to lodge their complaints before the relevant authorities.[58]

27. The Human Rights Committee was concerned about the conditions of work faced by prisoners, whose average monthly wages were far below the national minimum salary, had not been updated for many years and were further reduced to pay for the prisoners'

incarceration costs. It recommended reconsideration of the policy of obliging prisoners to pay their incarceration costs.[59]

28. Recalling the relevant recommendation from the second cycle of the universal periodic review on asylum seekers,[60] the Office of the United Nations High Commissioner for Refugees (UNHCR) recommended that Czechia end the detention of all children, whether accompanied, unaccompanied or separated; and implement, without delay, alternatives to detention in law and in practice, ensuring that detention was applied only as a measure of last resort.[61]

29. The United Nations High Commissioner for Human Rights strongly criticized the detention of migrants and refugees, drawing particular attention to the violations of the rights of the children among them. He noted that immigration detention must be strictly a measure of last resort and that detention of children on the sole basis of their migration status, or that of their parents, was a violation, was never in their best interests and was not justifiable. The fact that people were being forced to pay for their own detention was particularly reprehensible.[62]

30. The Human Rights Committee reiterated its concern that foreign minors awaiting deportation could be detained for up to 90 days in detention centres on grounds that were not narrowly defined, such as failure to observe their duties during their stay. The Committee on the Elimination of Racial Discrimination raised similar concerns, and was also concerned that Czechia continued to issue expulsion orders to asylum seekers arriving with invalid travel documentation prior to registering their asylum application.[63] The Human Rights Committee recommended that Czechia ensure that detention of children was permitted only as a measure of last resort and for the shortest appropriate period, that measures were taken to ensure that the detention of foreigners was always reasonable, necessary and proportionate in the light of their individual circumstances, and was resorted to for the shortest appropriate period and only if the existing alternatives to administrative detention had been duly considered and deemed not appropriate.[64] The Committee on the Elimination of Discrimination against Women made similar recommendations, and also recommended that Czechia take a gender-sensitive approach to the ongoing refugee inflows and to asylum claims, including in procedural matters.[65] The Committee on the Elimination of Racial Discrimination made similar recommendations, and also recommended that Czechia ensure that the conditions of all immigration detention and reception centres were in conformity with international standards, and end the practice of issuing expulsion orders prior to registering asylum applications.[66]

3. Fundamental freedoms and the right to participate in public and political life[67]

31. The Human Rights Committee noted with concern that women continued to be underrepresented in decision-making positions in the public sector and recommended that Czechia increase the representation of women in such positions, and where necessary, through appropriate temporary special measures.[68] Other treaty bodies made similar recommendations.[69] The Committee on the Elimination of Discrimination against Women recommended that the electoral law be amended to implement the "zipper" system for election candidates, that specific goals, targets and time frames be set to increase the representation of women, including Roma women, in legislative assemblies, Government and public administration, in particular at senior levels, and that incentives for decision makers who complied be provided, as well as adequate sanctions for those who failed to comply.[70]

32. The Committee on the Elimination of Discrimination against Women recommended that Czechia consider amending the Anti-Discrimination Act and other relevant legislation to include temporary special measures to accelerate the achievement of substantive equality of women and men in political and public life.[71]

33. The Committee on the Rights of Persons with Disabilities recommended that Czechia amend relevant laws so that all persons with disabilities could enjoy the right to vote and stand for election, regardless of guardianship or other regimes.[72] The Human Rights Committee expressed concern at reports indicating a tendency of the courts to excessively restrict persons with disabilities in their legal capacity and recommended that

Czechia ensure that it did not discriminate against persons with disabilities by denying them the right to vote on bases that were disproportionate or had no reasonable and objective relationship to their ability to vote.[53]

4. Prohibition of all forms of slavery[54]

34. Recalling the relevant recommendations from the second cycle of the universal periodic review,[55] UNHCR recommended that Czechia formulate standard operating procedures for the identification and protection of victims of trafficking in need of international protection.[56]

35. The Committee on the Elimination of Discrimination against Women noted with concern the low number of prosecutions and convictions of perpetrators of trafficking in women and girls, the vulnerability of Roma and migrant women and girls to becoming victims of trafficking for purposes of sexual exploitation and forced labour, the inadequacy of long-term support for victims of forced prostitution and the lack of exit programmes for women wishing to leave prostitution.[57] The Committee called upon Czechia to combat trafficking in women and girls, including at the regional level and in cooperation with neighbouring countries, and recommended that Czechia ensure that perpetrators of offences relating to trafficking in women and girls, especially for purposes of forced prostitution and forced labour, were prosecuted and adequately punished, adopt preventive measures specifically targeted at Roma and migrant women and girls, provide free legal aid to victims of trafficking, and ensure the provision of adequate medical, psychosocial and legal support, as well as rehabilitation and reintegration programmes, for women wishing to leave prostitution and extend those measures to victims of forced prostitution.[58] Other treaty bodies and the ILO Committee of Experts made similar recommendations.[59]

5. Right to privacy and family life

36. The Committee on the Elimination of Discrimination against Women reiterated its concern regarding the lack of legal recognition of de facto unions and its adverse impact on women's acquisition of rights during such unions and on their entitlements upon dissolution of the union.[60]

37. The Committee on the Rights of Persons with Disabilities was concerned that the provisions of the new Civil Code and the Act on social and legal protection of children, as amended, explicitly provided for restriction of legal capacity in family matters, especially the right to marriage, parental responsibility and adoption.[61] The Committee on the Elimination of Discrimination against Women reiterated its concern that specific provisions allowed courts to restrict a person's legal capacity, including family and reproductive rights, and that those provisions were used in particular against young women with intellectual and psychosocial disabilities.[62]

C. Economic, social and cultural rights

1. Right to work and to just and favourable conditions of work[63]

38. The Committee on Economic, Social and Cultural Rights recommended guaranteeing in legislation the right to remuneration that provided a decent living for workers and their families.[64]

39. The Committee on the Elimination of Racial Discrimination recommended facilitating the employment of Roma, particularly women and young people, including through the use of anonymized curricula vitae, targeted assistance with job-seeking in the labour market, special measures for employment in the public sector and incentives for employment in the private sector.[65] The Committee on the Rights of Persons with Disabilities noted with concern the high unemployment rate of persons with disabilities and the fact that the unemployment rate of women with disabilities was higher than that of men with disabilities.[66] The ILO Committee of Experts requested Czechia to provide information on the impact of measures taken to facilitate the transition of young persons

into the labour market and promote full, inclusive and productive employment for youth, particularly those belonging to vulnerable groups.[87]

80. While noting the reduction in the wide gender pay gap, the Committee on the Elimination of Discrimination against Women remained concerned about the low employment rate of women, horizontal and vertical segregation in the labour market, the concentration of women in traditionally female-dominated professions and in the informal sector and the underrepresentation of women in managerial and decision-making positions.[88] The Committee on Economic, Social and Cultural Rights noted that the gender pay gap was also due to women's overrepresentation in part-time employment, despite women's achievements in higher education.[89] The Committee on the Elimination of Discrimination against Women recommended that Czechia strengthen its measures to ensure substantive equality of women and men in the labour market, combat the underemployment of women and promote full-time employment for women supported by adequate high-quality childcare facilities and the promotion of equal sharing of family and domestic responsibilities between women and men.[90] The ILO Committee of Experts asked Czechia to promote public awareness of the legal provisions on equal remuneration between men and women for work of equal value and the procedures and remedies available where there had been a violation, and to assist complainants in such procedures.[91]

81. The Committee on the Elimination of Discrimination against Women recommended that Czechia consider raising the minimum wage to address its negative impact on the feminization of poverty.[92] The Committee on Economic, Social and Cultural Rights made similar recommendations, notably to expand the supply of affordable day-care services.[93]

2. Right to social security

82. The Committee on Economic, Social and Cultural Rights was concerned about the cuts to social security benefits introduced under the austerity measures programme, in particular that the cuts had a negative impact on living conditions and that the effects of the cuts on vulnerable groups had not been assessed. It recommended reversing the cuts to social security benefits and reconsidering cuts to benefits from non-contributory schemes, insofar as they affected the most disadvantaged and marginalized groups.[94]

83. The Committee on the Rights of Persons with Disabilities recommended that Czechia review the legislation on the provision of benefits to persons with disabilities, with genuine participation of persons with disabilities, to reintroduce the additional social allowance to bring the standard of living of families with children with disabilities above the subsistence level.[95] It also recommended that Czechia revise its legislation on disability pension beneficiaries and the newly established method of calculating the relevant period from the beginning of disability until the entitlement of retirement pensions.[96]

3. Right to an adequate standard of living[97]

84. The Committee on the Elimination of Racial Discrimination was concerned about the absence of legislation or policy on social housing and the fact that Roma continued to be denied access to adequate housing, particularly social housing, and to face forced evictions, which had led them to live in socially excluded localities, hindering them in accessing employment, health and other public services and education.[98] The Committee on Economic, Social and Cultural Rights and the Committee on the Elimination of Discrimination against Women raised similar concerns, including with regard to the absence of a social housing law and the considerable number of homeless persons[99] and the fact that single-parent households headed by women, older women and Roma women faced disproportionately high risks of poverty.[100] The Committee on the Elimination of Racial Discrimination recommended that Czechia expeditiously adopt a social housing law and establish a comprehensive social housing system with a special focus on Roma and other ethnic minorities, and ensure that adequate alternative housing was provided to those affected in cases of eviction.[101] Several other treaty bodies made similar recommendations.[102]

85. The Committee on Economic, Social and Cultural Rights was concerned that forced evictions could be carried out legally even if they rendered tenants homeless, and at reports

of forced evictions being carried out without due process. The Committee recommended that Czechia review its legislation and practices so that evictions did not result in individuals being rendered homeless or vulnerable to violation of other human rights and that, where those affected were unable to provide for themselves, Czechia provide adequate alternative housing.[103]

4. Right to health[104]

46. The Committee on the Elimination of Racial Discrimination was concerned about the limited access of Roma to health-care services, despite the support provided by Roma health assistants, which was insufficient to meet the health-care needs of Roma communities. It recommended that Czechia expand the Roma health assistants programme and continue training medical professionals in effective interaction with people from different cultural backgrounds.[105]

47. While welcoming the low rates of perinatal mortality, the Committee on the Elimination of Discrimination against Women was concerned about reports that childbirth conditions and obstetric services unduly curtailed women's reproductive health choices. It reiterated its previous recommendation that Czechia accelerate the adoption of a law on the rights of patients, including the reproductive rights of women.[106] The Committee on the Rights of Persons with Disabilities called upon Czechia to intensify efforts to make information on relevant services and health care available and accessible for persons with disabilities and their families, including parents of boys and girls with disabilities.[107]

48. The Committee on Economic, Social and Cultural Rights was concerned that migrants without a permanent residence permit, including dependents of migrants with permanent residence status, were not eligible to participate in the contributory health insurance scheme and had been refused enrolment in private health insurance schemes or asked to pay prohibitive premiums. It recommended that Czechia open the contributory health insurance scheme to everyone without discrimination. It also urged Czechia to ensure that private insurance providers did not deny access to schemes operated by them or impose unreasonable eligibility conditions.[108] The Committee on the Elimination of Discrimination against Women recommended that Czechia expeditiously undertake the legislative amendments necessary to ensure that migrant women and girls residing in Czechia had the same access to public health insurance as nationals.[109]

5. Right to education[110]

49. The United Nations Educational, Scientific and Cultural Organization (UNESCO) commended the amendment to the Education Act introducing the compulsory year of pre-primary education.[111] The Committee on the Elimination of Discrimination against Women welcomed the adoption in 2015 of a Roma integration strategy to help ensure that Roma girls and boys were guaranteed equal access to education.[112]

50. The Committee on the Elimination of Racial Discrimination remained concerned that Roma children continued to be segregated from mainstream education, with many of them ending in entirely or almost Roma-only schools owing to the deeply rooted negative prejudice against them and the reluctance of school authorities and non-Roma parents to enrol their children in a school with Roma children. It also remained concerned at the continued failure of Czechia to comply with the judgment of the European Court of Human Rights in the case of *D.H. and others v. the Czech Republic*.[113] Other treaty bodies raised similar concerns, notably that Roma children continued to be overrepresented in schools for pupils with mild mental disabilities or "practical elementary schools".[114] The Committee also recommended that Czechia incorporate the principle of inclusive education into the relevant legislation and policies, and allocate sufficient funding for the implementation of the amendment to the School Act (2015) and the Inclusive Education Action Plan for 2016-2018. It also recommended that Czechia help Roma children to keep up with other students in mainstream schools, and counter negative perceptions of Roma children.[115] Other treaty bodies made similar recommendations.[116] The Human Rights Committee recommended that Czechia ensure that decisions for the placement of all children, including Roma children, in special needs classes could not be made without an independent, culturally sensitive medical evaluation or based solely on the capacity of the child.[117]

51. The Committee on the Elimination of Discrimination against Women recommended that efforts be strengthened to reduce the school dropout rate and absenteeism of Roma girls, to educate teachers on countering persistent prejudices and negative gender stereotypes in respect of Roma and to develop policies that promoted gender equality in education.[118] UNESCO made similar recommendations, including that Czechia continue its efforts in providing improved accessibility of schools and inclusivity at all levels of education for all children with disabilities, including by allocating resources for the provision of reasonable accommodation and making legal amendments to prohibit the denial of access to education for those children because of limited resources.[119]

52. The Committee on Economic, Social and Cultural Rights was concerned that children with disabilities were still primarily schooled in specialized institutions and that reasonable accommodation was not always provided to children with disabilities in mainstream education. It recommended that Czechia ensure that the new strategy for better accessibility of schools at all levels of education for all children, including children with disabilities, fully promoted inclusive education for children with disabilities, including by allocating resources for the provision of reasonable accommodation and any additional professional support needed. The Committee also recommended that inclusive education and the obligation to provide reasonable accommodation be incorporated in the Education Act.[120] The Committee on the Rights of Persons with Disabilities made similar recommendations.[121]

D. Rights of specific persons or groups

1. Women[122]

53. The Committee on the Elimination of Discrimination against Women reiterated its recommendation that Czechia strengthen the use of temporary special measures in all areas under the Convention in which women were underrepresented or disadvantaged.[123]

54. The Human Rights Committee regretted that patriarchal stereotyped attitudes still prevailed with respect to the position of women in society. It recommended eradicating stereotypes regarding the position of women in society.[124]

55. While noting the adoption of the Act prohibiting sexist and discriminatory advertising, the Committee on the Elimination of Discrimination against Women also noted with concern the lack of practical enforcement of the Act and the insufficient capacity of supervisory authorities to promptly identify and remove sexist advertisements. It reiterated its recommendation that Czechia strengthen its efforts to address persistent and deep-rooted gender stereotypes that perpetuated discrimination against women and that it adopt a legislative framework to ensure prompt, effective and coherent action against sexist or discriminatory advertisements and media outputs.[125]

56. The same Committee reiterated its concern that women and girls continued to be underrepresented in technical schools and scientific research work and in academic institutions, in particular at the senior level.[126] It recommended that Czechia enact legislation to ensure a comprehensive, coherent framework that guaranteed that the structure, conduct and syllabus of its education sector were in compliance with human rights, including the rights of women. In that regard, the Committee recommended that Czechia accord priority to promoting non-traditional career choices for girls in technical schools and in scientific research and recruiting women at the senior levels of academic institutions.[127]

57. The same Committee was concerned about reports that capacity-building programmes on gender-based violence, including domestic violence, for the police and professionals working with victims did not reflect gender sensitivity.[128] It recommended that Czechia undertake training of police, security personnel and members of the judiciary to ensure that they carried out their functions with gender sensitivity and that Czechia ensure transparent evaluations of its capacity-building programmes on gender-based violence, including domestic violence. The Committee also recommended that Czechia ensure that resources for its victim support services were allocated adequately and

sustainably and progressively fund such services through the regular budget instead of external funding sources.[129]

58. The Human Rights Committee recommended that Czechia prevent and address gender-based violence in all its forms and manifestations and encourage the reporting of cases of domestic violence. It also recommended ensuring that such cases were thoroughly investigated, that perpetrators were prosecuted and, if convicted, punished with appropriate sanctions, and that victims were adequately compensated.[130]

2. Children[131]

59. The Committee on the Rights of Persons with Disabilities called upon Czechia to abandon the concept of residential institutional care for children with disabilities and to step up efforts to develop support services for boys and girls with disabilities and their families in local communities. It urged Czechia to protect the right of children with disabilities to be consulted on all matters that affected them, to guarantee them effective assistance to realize that right, bearing in mind their disability and age,[132] and to abolish the placement of children under 3 years of age in institutionalized care.[133]

60. The Human Rights Committee recommended that Czechia ensure, as a minimum, that children under the age of 15 suspected of an unlawful act enjoyed the standard criminal procedural safeguards at all stages of criminal or juvenile proceedings.[134]

3. Persons with disabilities

61. The Committee on the Rights of Persons with Disabilities noted that several definitions of disability and persons with disabilities in its legislation were based on the medical approach to disability.[135]

62. The same Committee recommended that Czechia recognize the full legal capacity of all persons with all types of disability and improve access to supported decision-making.[136] It urged Czechia to step up the process of deinstitutionalization and allocate sufficient resources for the development of support services in local communities that would enable all persons with disabilities, regardless of their impairments, gender or age, to choose freely with whom, where and under which living arrangements they would live.[137]

63. The Committee on Economic, Social and Cultural Rights urged Czechia to base the implementation of the Strategy for the Reform of Psychiatric Care (2014-2020) on improving the enjoyment of all human rights by persons with psychosocial disabilities, including their right to independent living and inclusion in the community, and invest adequate resources.[138] The Committee on the Rights of Persons with Disabilities made similar recommendations.[139]

64. The Committee on the Rights of Persons with Disabilities called upon Czechia to amend its legislation to extend the prohibition of denial of reasonable accommodation to other areas besides employment and labour relations,[140] and to ensure that premises open to the public were accessible for persons with disabilities.[141]

4. Minorities[142]

65. The Committee on Economic, Social and Cultural Rights recommended addressing negative prejudices and stereotypes, which were among the underlying causes of the systemic discrimination experienced by Roma.[143]

66. The Committee on the Elimination of Racial Discrimination was concerned about the significant increase in the number of so-called socially excluded localities with a majority Roma population. It noted that living in such localities had a hugely negative impact on all aspects of life for Roma, particularly in the areas of employment, housing, health care and other public services and education. The Committee was also concerned at the report that some municipalities refused to rent municipal housing to Roma and supported segregation as a way to expel Roma from their municipalities and that the central Government did not have appropriate measures to sanction them.[144]

5. Migrants, refugees and asylum seekers[145]

67. Regarding the relevant recommendations from the second cycle of the universal periodic review,[146] UNHCR recommended that Czechia tackle the prejudice, stigmatization and discrimination suffered by asylum seekers and refugees and ensure the investigation, prosecution and punishment of any act of discrimination or violence motivated by the victim's national or ethnic identity.[147]

68. The Committee on Economic, Social and Cultural Rights expressed concern about discrimination-based offences committed against migrants in employment, in particular in the exercise of their trade union rights and in housing.[148]

6. Stateless persons

69. Regarding the relevant recommendation from the second cycle of the universal periodic review,[149] UNHCR recommended establishing a designated statelessness determination procedure to identify and protect stateless persons.[150]

70. The Committee on the Elimination of Racial Discrimination was concerned that children born to stateless parents and children born to a foreign mother and a Czech father out of wedlock were at high risk of being stateless. It recommended that Czechia ensure that stateless children born in Czechia obtained citizenship.[151]

Notes

1 Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for Czechia will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/CZIndex.aspx.
2 For relevant recommendations, see A/HRC/22/3, paras. 94.1-94.17, 94.21-94.22, 94.29 and 94.41.
3 See CEDAW/C/CZE/CO/6, para. 19.
4 Ibid., para. 45.
5 See CERD/C/CZE/CO/10-11, para. 31.
6 See A/HRC/22/3/Add.1, para. 6.
7 See CRPD/C/CZE/CO/1, para. 6.
8 Ibid., para. 60.
9 See E/C.12/CZE/CO/2, para. 23.
10 See CCPR/C/CZE/CO/3, para. 6.
11 See http://lib.ohchr.org/HRBodies/UPR/Documents/Session14/CZ/CzechRepublicMidTermReport.pdf.
12 OHCHR, *OHCHR Report 2016*, "Donor profiles", p. 124.
13 For relevant recommendations, see A/HRC/22/3, paras. 94.18-94.20, 94.27-94.33, 94.36-94.38, 94.48-94.54, 94.60, 94.65, 94.67, 94.71-94.72, 94.95-94.96, 94.99-94.104, 94.110-94.111 and 94.113.
14 See CEDAW/C/CZE/CO/6, paras. 4-5.
15 See CERD/C/CZE/CO/10-11, para. 4.
16 See CRPD/C/CZE/CO/1, para. 4.
17 See E/C.12/CZE/CO/2, para. 4.
18 See CCPR/C/CZE/CO/3, para. 3.
19 Ibid., para. 5.
20 See E/C.12/CZE/CO/2, para. 7, CERD/C/CZE/CO/10-11, para. 8 and CRPD/C/CZE/CO/1, para. 62.
21 For relevant recommendations, see A/HRC/22/3, paras. 94.23-94.24, 94.42, 94.48-94.76, 94.122-94.125, 94.128 and 94.130.
22 See E/C.12/CZE/CO/2, para. 8.
23 See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3284603.
24 See CCPR/C/CZE/CO/3, para. 9.
25 See E/C.12/CZE/CO/2, para. 9.
26 See CCPR/C/CZE/CO/3, para. 9.
27 See CERD/C/CZE/CO/10-11, para. 13.
28 See CCPR/C/CZE/CO/3, para. 8.
29 Letter dated 22 July 2013 from the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Independent Expert on minority issues and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/HRC/25/74, p. 46).
30 A/HRC/25/74, p. 46.

[31] See CERD/C/CZE/CO/10-11, paras. 13-14.
[32] See CCPR/C/CZE/CO/3, para. 8.
[33] For the relevant recommendation, see A/HRC/22/3, para. 94.26.
[34] See E/C.12/CZE/CO/2, para. 22.
[35] See CRPD/C/CZE/CO/1, para. 21.
[36] For relevant recommendations, see A/HRC/22/3, paras. 94.77 and 94.126.
[37] See CERD/C/CZE/CO/10-11, para. 21.
[38] See CCPR/C/CZE/CO/3, para. 11, CEDAW/C/CZE/CO/6, para. 28, and CRPD/C/CZE/CO/1, para. 37.
[39] See CEDAW/C/CZE/CO/6, para. 28.
[40] Letter dated 18 March 2013 from the Working Group on the issue of discrimination against women in law and in practice, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Independent Expert on minority issues, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on violence against women, its causes and consequences and the Chair-Rapporteur of the Working Group on the issue of discrimination against women in law and in practice (A/HRC/24/21, p. 17).
[41] A/HRC/24/21, p. 17.
[42] See CEDAW/C/CZE/CO/6, para. 29.
[43] See CCPR/C/CZE/CO/3, para. 11.
[44] See CERD/C/CZE/CO/10-11, para. 22 and CRPD/C/CZE/CO/1, para. 37.
[45] See CRPD/C/CZE/CO/1, para. 37.
[46] Ibid., para. 30.
[47] See CCPR/C/CZE/CO/3, para. 14.
[48] See CRPD/C/CZE/CO/1, paras. 31-33.
[49] See CCPR/C/CZE/CO/3, para. 19.
[50] For relevant recommendations, see A/HRC/22/3, paras. 94.40 and 94.78-94.79.
[51] See CCPR/C/CZE/CO/3, para. 13.
[52] See CRPD/C/CZE/CO/1, para. 26.
[53] See CCPR/C/CZE/CO/3, para. 13.
[54] See CRPD/C/CZE/CO/1, paras. 11 and 24.
[55] Ibid., para. 12.
[56] See CEDAW/C/CZE/CO/6, para. 10.
[57] Ibid., para. 11.
[58] See CERD/C/CZE/CO/10-11, paras. 29-30.
[59] See CCPR/C/CZE/CO/3, para. 18.
[60] See A/HRC/22/3, para. 94.120 (Uzbekistan).
[61] UNHCR submission to the universal periodic review of Czechia, p. 5.
[62] See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16632&LangID=E.
[63] See CERD/C/CZE/CO/10-11, para. 25.
[64] See CCPR/C/CZE/CO/3, para. 17.
[65] See CEDAW/C/CZE/CO/6, para. 39.
[66] See CERD/C/CZE/CO/10-11, para. 26.
[67] For relevant recommendations, see A/HRC/22/3, paras. 94.43-94.44 and 94.134.
[68] See CCPR/C/CZE/CO/3, para. 7.
[69] See E/C.12/CZE/CO/2, para. 11 and CEDAW/C/CZE/CO/6, para. 23.
[70] See CEDAW/C/CZE/CO/6, para. 23.
[71] Ibid., para. 15.
[72] See CRPD/C/CZE/CO/1, para. 58.
[73] See CCPR/C/CZE/CO/3, para. 12.
[74] For relevant recommendations, see A/HRC/22/3, paras. 94.83-94.85.
[75] See A/HRC/22/3, para. 94.83 (Costa Rica) and para. 94.86 (Liechtenstein).
[76] UNHCR submission, p. 3.
[77] See CEDAW/C/CZE/CO/6, para. 20.
[78] Ibid., para. 21.
[79] See CCPR/C/CZE/CO/3, para. 16 and CERD/C/CZE/CO/10-11, para. 24. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3183327:NO.
[80] See CEDAW/C/CZE/CO/6, para. 40.
[81] See CRPD/C/CZE/CO/1, para. 45.
[82] See CEDAW/C/CZE/CO/6, para. 40.
[83] For relevant recommendations, see A/HRC/22/3, paras. 94.24 and 94.92.
[84] See E/C.12/CZE/CO/2, para. 13.

[85] See CERD/C/CZE/CO/10-11, para. 16.
[86] See CRPD/C/CZE/CO/1, para. 51.
[87] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3295103.
[88] See CEDAW/C/CZE/CO/6, para. 26.
[89] See E/C.12/CZE/CO/2, para. 11.
[90] See CEDAW/C/CZE/CO/6, para. 27.
[91] See www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3299885.
[92] See CEDAW/C/CZE/CO/6, para. 27.
[93] See E/C.12/CZE/CO/2, para. 11.
[94] Ibid., para. 14.
[95] See CRPD/C/CZE/CO/1, para. 54.
[96] Ibid., para. 56.
[97] For relevant recommendations, see A/HRC/22/3, paras. 94.24 and 94.93.
[98] See CERD/C/CZE/CO/10-11, para. 15.
[99] See E/C.12/CZE/CO/2, para. 16.
[100] See CEDAW/C/CZE/CO/6, para. 34.
[101] See CERD/C/CZE/CO/10-11, para. 16.
[102] See CCPR/C/CZE/CO/3, para. 9 and E/C.12/CZE/CO/2, para. 16 and CEDAW/C/CZE/CO/6, para. 35.
[103] See E/C.12/CZE/CO/2, para. 17.
[104] For the relevant recommendation, see A/HRC/22/3, para. 94.94.
[105] See CERD/C/CZE/CO/10-11, paras. 15-16.
[106] See CEDAW/C/CZE/CO/6, paras. 30-31.
[107] See CRPD/C/CZE/CO/1, para. 50.
[108] See E/C.12/CZE/CO/2, para. 15.
[109] See CEDAW/C/CZE/CO/6, para. 33.
[110] For relevant recommendations, see A/HRC/22/3, paras. 94.95-94.115.
[111] See UNESCO submission to the universal periodic review of Czechia, para. 12.
[112] See CEDAW/C/CZE/CO/6, para. 24.
[113] See CERD/C/CZE/CO/10-11, para. 17.
[114] See CCPR/C/CZE/CO/3, para. 10.
[115] See CERD/C/CZE/CO/10-11, para. 18.
[116] See CCPR/C/CZE/CO/3, para. 10, E/C.12/CZE/CO/2, para. 20 and CRPD/C/CZE/CO/1, para. 48.
[117] See CCPR/C/CZE/CO/3, para. 10.
[118] See CEDAW/C/CZE/CO/6, para. 25.
[119] See UNESCO submission, p. 7.
[120] See E/C.12/CZE/CO/2, para. 19.
[121] See CRPD/C/CZE/CO/1, para. 48.
[122] For relevant recommendations, see A/HRC/22/3, paras. 94.34, 94.43-94.47 and 94.80-94.82.
[123] See CEDAW/C/CZE/CO/6, para. 15.
[124] See CCPR/C/CZE/CO/3, para. 7.
[125] See CEDAW/C/CZE/CO/6, paras. 16-17.
[126] Ibid., para. 24.
[127] Ibid., para. 25.
[128] Ibid., para. 18.
[129] Ibid., para. 19.
[130] See CCPR/C/CZE/CO/3, para. 15.
[131] For relevant recommendations, see A/HRC/22/3, paras. 94.3, 94.25, 94.35-94.39 and 94.85-94.91.
[132] See CRPD/C/CZE/CO/1, para. 16.
[133] Ibid., para. 40.
[134] See CCPR/C/CZE/CO/3, para. 20.
[135] See CRPD/C/CZE/CO/1, para. 7.
[136] Ibid., para. 23.
[137] Ibid., para. 39.
[138] See E/C.12/CZE/CO/2, para. 18.
[139] See CRPD/C/CZE/CO/1, para. 39.
[140] Ibid., para. 10.
[141] Ibid., para. 19.
[142] For relevant recommendations, see A/HRC/22/3, paras. 94.33, 94.40, 94.73, 94.115, 94.121-94.123, 94.125 and 94.127-94.135.
[143] See E/C.12/CZE/CO/2, para. 9.
[144] See CERD/C/CZE/CO/10-11, para. 11.
[145] For relevant recommendations, see A/HRC/22/3, paras. 94.115-94.120.

[146] See A/HRC/22/3, para. 94.52 (Algeria) and para. 94.56 (Cuba).
[147] UNHCR submission, p. 4.
[148] See E/C.12/CZE/CO/2, para. 10.
[149] See A/HRC/22/3, para. 94.116 (Belarus).
[150] UNHCR submission, p. 5.
[151] See CERD/C/CZE/CO/10-11, paras. 27-28.

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Summary of Stakeholders' submissions on Czechia*

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review (UPR). It is a summary of 15 stakeholders' submissions[1] to the UPR, presented in a summarized manner owing to word-limit constraints.

II. Information provided by stakeholders

A. Scope of international obligations and cooperation with international human rights mechanisms and bodies[2]

2. Amnesty International (AI) recommended ratification of the Optional Protocol to Covenant on Economic, Social and Cultural Rights.[3]

3. Joint Submission 1 (JS1), Joint Submission 5 (JS5) and Joint Submission 6 (JS6) recommended ratification of the Optional Protocol to Convention on Rights of Persons with Disabilities[4], consistent with the commitment to do so by the 2017 UPR and the National Plan for the Promotion of Equal Opportunities for Persons with Disabilities 2015–2020.[5]

4. Joint Submission 3 (JS3) recommended adhering to the non-penalization clause in article 31 of the 1951 Convention relating to the Status of Refugees.[6]

5. Council of Europe (CoE) recommended pursuing efforts towards ratification of Istanbul Convention after its signature with a reservation.[7]

* The present document was not edited before being sent to United Nations translation services.

6. JS6 noted that the government has declined requesting technical assistance and/or country visits by the Special Rapporteur on Right to Education and the Independent Expert on Minority Issues, as had been recommended at the UPR.[9]

7. CoE noted that the Council of Europe Convention on Action against Trafficking in Human Beings was signed but not yet ratified.[9]

B. National human rights framework[10]

8. Recalling previous recommendations[11], JS1 and JS5 reiterated that the protection of victims of discrimination should be strengthened by allowing the filing of *actio popularis*.[12] European Roma Rights Centre (ERRC) and JS6 noted that, contrary to a Council of the European Union Directive, the Act on Equal Treatment and on Legal Means of Protection against Discrimination does not allow for *actio popularis*[13,14]

9. European Union Agency for Fundamental Rights (EU-FRA) considered important the approval of the Action Plan for Prevention of Domestic and Gender-Based Violence 2015–2018, which defines a new set of cross-sectional priorities, including looking at the special position of persons with disabilities, persons at risk of social exclusion, seniors, homeless, Roma, migrants, and others facing multiple discrimination.[15]

10. EU-FRA noted that the National Plan to Support Equal Opportunities for Persons with Disabilities 2015–2020 sets out measures to implement the Convention on the Rights of Persons with Disabilities across a range of policy areas, including equality and non-discrimination, awareness-raising, accessibility, access to justice and independent living.[16]

11. Public Defender of Rights currently does not have the status of an accredited National Human Rights Institution (NHRI) in accordance with the Paris Principles[17] and according to the Public Defender of Rights full implementation of NHRI duties would require appropriate amendments to the Public Defender of Rights Act, which are however not realistic in light of the fate of previous legislative amendments.[18] CoE-European Commission against Racism and Intolerance (CoE-ECRI) recommended that the Law on the Public Defender of Rights be amended so as to prevent conflicts between the Public Defender and his/her deputy.[19] Advisory Committee on the Framework Convention for the Protection of National Minorities (CoE-ACFC) recommended expanding powers of the Public Defender of Rights, in particular as regards the possibility of conducting its own investigations and initiating court proceedings.[20] CoE-ECRI highlighted that the Public Defender of Rights does not possess necessary powers and responsibilities to combat racial discrimination effectively.[21] According to EU-FRA and JS6, proposals to appoint the Public Defender of Rights as national body to promote, protect and monitor the implementation of the Convention on Rights of Persons with Disabilities, also granting legal standing in *actio popularis* proceedings[22] were abandoned in 2014.[23]

12. JS1 noted that, despite Czechia's commitment during the previous UPR cycle to establish a Children Ombudsman[24], the role has not been created.[25]

13. Public Defender of Rights repeatedly criticised the absence of an independent body with competence for regular supervision of facilities for detention of foreigners.[26]

C. Implementation of international human rights obligations, taking into account applicable international humanitarian law

1. Cross cutting issues

Equality and non-discrimination[17]

14. Citing commitments made at the previous UPR to further develop measures aimed at combating discrimination[18], AI remained concerned at the enforcement of legislation, in particular regarding discrimination against Roma.[19]

15. CoE-ECRI recommended to revise the Criminal Code to include offences of incitement to violence and discrimination; public insults of racist nature; public expression, with racist aim, of an ideology which claims superiority of, or which depreciates or denigrates, a group of persons; and racial discrimination in the exercise of public office or occupation. The grounds of colour and language should also be included,[20] as well as sexual orientation and gender identity.[21]

16. According to Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE-ODIHR), hate crimes were recorded by police disaggregated by bias motivation, however hate crimes are not reported separately from hate speech and/or discrimination.[22]

17. CoE-ECRI indicated that Roma and immigrants are most common targets of hate speech and Muslims have recently become victims of increased Islamophobia.[23] Criminal action is ruled out easily and hate speech provisions are rarely applied.[24] According to CoE-ACFC, rallies and marches on Roma housing estates, organised by extreme right-wing political organisations often end in violent clashes with the police.[25] The CoE-Commissioner for Human Rights (CoE-Commissioner) noted with concern that Roma continue to be main victims of racially motivated violence.[26] He also considered that widespread discrimination and violence against Roma require overarching efforts to promote tolerance and anti-discriminatory attitudes throughout the majority population and stressed the essential role by political and opinion leaders in promoting respect for human rights and social cohesion.[27] Similarly, AI was concerned at the lack of prevention of racially-motivated violence and harassment targeting Roma communities throughout the country and cited protests and incidents.[28] It recommended condemning hate crimes when they occur making clear they will not be tolerated and that victims are provided with thorough and prompt information regarding the status of their case, and that they are able to be heard in legal proceedings, including the investigation phase, and provided with legal or psychological support.[29]

18. Public Defender of Rights cited own research that 11% of survey respondents had faced discrimination in the previous five years and have not lodged a complaint. She has so far recommended unsuccessfully a legislative amendment to decrease court fees in discrimination cases or transfer the burden of proof for all victims of discrimination.[30]

19. CoE-ECRI recommended putting in place a single mechanism for collecting disaggregated data on hate crime, including hate speech, recording specific bias motivation, and making data available to the public.[31]

20. Public Defender of Rights considered inappropriate that transgender people wishing to officially change their gender, have to undergo an operation, involving sterilisation.[32]

2. Civil and Political Rights

Right to life, liberty and security of person[43]

21. JS5 noted that Czechia still doesn't have in its criminal law adequate provisions that criminalize torture and other forms of ill-treatment, with the existing definition of the crime failing to provide definition of the elements of torture.[44]

22. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CoE-CPT) reiterated its recommendation that detained persons should benefit from free legal aid from the beginning of their deprivation of liberty by police.[45] CoE-CPT expressed serious misgivings about subjecting persons deprived of their liberty to strip-search.[46]

23. CoE-CPT reiterated its serious misgivings about the use of net-beds, in particular as regards the excessive duration of placement of certain patients therein, as well as their use as "ordinary" hospital beds.[47] JS5 noted that persons with disabilities, including elderly are subjected to torture or ill treatment including placement in netted cage beds, belts, medication or seclusion, and are often subjected to multiple concurrent restrictive practices[48], with legislation regarding the use of restraints being vague.[49]

24. Czech Helsinki Committee (CHC) noted that Czechia has not yet abolished the option of performing surgical castration on persons who have been convicted of committing less serious sexual crimes, even after repeated criticism from the Committee against Torture and CoE-CPT.[50] CoE-CPT urged the Czech authorities to put a definitive end to the use of surgical castration of sex offenders and to amend relevant legal provisions accordingly.[51]

25. According to the Public Defender of Rights, the draft substantive intent of the Act on indemnification of persons unlawfully sterilised was rejected.[52] CHC recommended that, without delay, measures be adopted leading to the appointment of an independent, reliable commission of experts and it be tasked with compensating appropriately victims of forced sterilization.[53] Recalling recommendation 94.80[54], CHC reported that the analysis by the Justice Ministry of the options for extending the three-year statute of limitations is primarily based on arguments that do not admit the possibility of extending this limit.[55] The CoE-Commissioner deplored the lack of an effective domestic mechanism enabling victims to seek and obtain compensation for the harm they suffered and reiterated his recommendation to establish an extra-judicial mechanism for compensating Roma women victims of forced sterilisations.[56] ERRC noted that significant barriers to access justice persist for victims of coercive sterilisation, the primary challenge to victims bringing civil claims for damages being the three-year statute of limitation, dating from the moment of acknowledging the sterilisation occurred.[57] ERRC indicated that the 2009 Act on Equal Treatment and on Legal Means of Protection against Discrimination does not allow for *actio popularis* that would have permitted lodging complaints with higher numbers of victims or with unknown victims of involuntary sterilisation.[58] It recommended ensuring that the three-year statute of limitation, dating from the moment of sterilisation, will not prevent victims from bringing civil claims for damages and all victims of involuntary sterilisation are provided with free legal aid and all potential litigation costs are covered.[59]

26. The Global Initiative to End All Corporal Punishment of Children noted that in the second UPR cycle, the Government had rejected recommendations to explicitly prohibit the use of corporal punishment of children[60] and that the new Civil Code does not fully prohibit it in the home, all forms of alternative care settings and penal institutions.[61]

27. The Public Defender of Rights repeatedly pointed out that the living conditions of children accommodated together with their parents detained at Bělá-Jezová (Facility for Detention of Foreigners) constitutes infringement of fundamental rights of the child and amount to ill-treatment.[62]

28. CoE-Commissioner, CoE-ECRI and CoE-SOTC urged the authorities to remove the pig farm built in the 1970s on the former concentration camp of Lety, where many Roma were killed during World War II, and to consider measures to honour those who died.[63]

Administration of justice, including impunity and the rule of law[64]

29. The Public Defender of Rights noted that the prison population rate was one of the highest among European countries.[65]

30. CHR recommended that the obligation of persons in custody to pay costs associated with their detention be abolished, that such payment be required only of persons who achieve a certain level of employment-based income so that their existing obligations can be paid off during imprisonment.[66]

31. CoE-CPT expressed serious concern that, due to the obligation to pay a "regulatory fee" for medical consultations, a number of indigent prisoners were denied medical treatment other than emergency care" and that prison officers continued to be routinely present during medical examinations.[67]

32. CHR recommended that the conditions be improved for children and family members of convicts by building dignified visiting spaces inside prisons adequately-equipped depending on children's ages and needs.[68]

33. JS1 underlined that notwithstanding promotion of participation of children being one of the goals of the National Strategy to Protect Children's Rights 2012 -2020, in many cases children are excluded from court hearings and other proceedings concerning them, despite the Civil Code explicitly obliging courts and other authorities to hear a child who is mature to formulate and communicate an opinion.[69] JS1 noted that child friendly justice measures are not adequately implemented, there are no specialised family law courts and professionals dealing with children are not trained to communicate with children, particularly children with disabilities.[70]

34. The Committee of Experts on the European Charter for Regional or Minority Languages (CoE - Committee of Experts) strongly urged the authorities to remove from legislation the condition that a person must declare not to have a command of Czech before they can use a minority language in criminal proceedings and before documents connected to criminal proceedings are produced in minority languages.[71]

35. The CoE-Group of States against Corruption (CoE-GRECO) concluded that there is a clear need to amend the regulation on recruitment and career advancement of judges, in particular to ensure that decisions are based on pre-established objective criteria, notably merit.[72]

Fundamental freedoms and the right to participate in public and political life[73]

36. ECNL-IRL noted that in February 2016, participants in an anti-Islam demonstration attacked reporters and cameramen, damaged their equipment and disconnected them from the power source. The journalists turned to police officers present at the scene for help, who allegedly refused to help, saying it was the journalists' fault and the result of them having lied in their reports.[74]

37. OSCE/ODIHR noted that the January 2013 elections were the first election in which the president was elected through a popular vote.[75] OSCE/ODIHR recommended reviewing the legal framework for candidate registration as indicated by the Constitutional Court, particularly with regard to verification of signatures. It also recommended introducing standard procedures on compilation and upd ta of voter lists to avoid inconsistencies or multiple entries, amending the law regarding campaign financing introducing control and oversight mechanisms, as well as sanctions, introducing a specific judicial review of

decisions of administrative bodies governing the election process and a judicial remedy during the election campaign clear and short timeframes for review.[77]

38. CoE-GRECO called for increasing transparency of the legislative process. The rules on parliamentarians' asset declarations needed further amendment. It also recommended the adoption of codes of conduct by Parliament, judiciary and prosecution service on conflicts of interest and related matters and which are complemented by practical measures such as dedicated training, counseling and awareness-raising.[78]

39. CoE-ECRI recommended that the Council for Radio and Television Broadcasting be encouraged to take firm action in all cases of incitement to hatred and impose appropriate fines to punish, and act as deterrent against, dissemination of racist and intolerant expression.[79]

Right to privacy and family life

40. JS5 noted that specific provisions in the new Civil Code provide for a possibility to restrict legal capacity in specific matters, including the right to marry, parental rights, right to vote, entering into labour contracts, requests for social benefits, informed consent in health care issues, testamentary wills.[80]

41. EU-FRA noted that specific laws stipulate that the intelligence service does not have to inform persons whose rights they interfere with, nor do they have to provide access to the data.[81]

42. ADF International reported that a 2016 Constitutional Court decision struck down a law which prohibited sole adoption by an individual in a registered partnership, and the government subsequently pledged amending the law to allow step-parent adoption of a partner's biological child.[82]

3. Economic, Social and Cultural Rights

Right to work and to just and favourable conditions of work[83]

43. The Public Defender of Rights noted that Czechia shows one of the widest gender pay gaps in Europe (22%), with pay transparency being inadequate both in private and public sectors.[84] She also reported the common practice of terminating employment of women after the end of their parental leave.[85]

44. EU-FRA noted that young people with migrant backgrounds were shown to be in particular danger of remaining at margins of the labour market and that high levels of inactivity among Roma youth needed to be addressed. Moreover, the rate of employment of older men and women to foster social inclusion needed to be increased, particularly the unemployment among older women needed to be addressed.[86]

45. CoE-ECRI reported that according to a study, three out of four Roma looking for work in the last five years reported experiencing discrimination and 41% said that they have experienced such treatment at work by their employers or colleagues.[87] EU-FRA noted that the share of Roma not in work or education or further training is six times higher than the general population.[88]

Right to an adequate standard of living[89]

46. JS1 expressed concern that there is no legislation around social housing and that a law has been under negotiation for 20 years[90] and recommended that such legislation should ensure access to social housing for families most in need, including families at risk of separation.[91] According to the Public Defender of Rights, the Social Housing Act cannot be

expected to improve the situation of Roma since the municipalities' duty to provide social housing has been omitted in the corresponding bill.[92]

47. EU-FRA noted that Czechia has made little improvement in areas of education and housing, particularly regarding housing segregation and eviction from town centres.[93] ERRC cited the Strategy for combating social exclusion (2011-15) according to which almost one third of the overall Roma population lives in a socially excluded environment.[94] It recommended that Czechia adopt adequate social housing policies with clear measures preventing any future segregation and that it test the use of socially-innovative measures, specifically housing-led approaches, and social rent agencies, as well as introduce eligibility criteria that could be met by vulnerable Roma.[95] CoE-ECRI urged to develop and put in place, as a matter of high priority, a coherent system of social housing, take steps to prevent the creation of new areas of segregated housing and reduce the number of existing segregated areas.[96] It underlined that the practice of subsidising exorbitant rent for sub-standard accommodation in hostels and dormitories for Roma should be stopped.[97]

48. The Public Defender of Rights reported that Roma people have practically no access to housing on the free residential market.[98]

Right to health[99]

49. With reference to UPR recommendation 94.94[100], CHC recommended that women and girls of all age categories and especially women and girls living with mental or psychological disorders or women and girls of Romani origin receive accessible forms of information about reproductive rights.[101]

50. EU-FRA noted that a considerable number of Roma, 42% of survey respondents, feel that pollution, grime and other environmental problems – such as smoke, dust and unpleasant smells or polluted water - are a problem.[102]

51. The European Committee on Social Rights noted that measures adopted do not sufficiently ensure health care for poor or socially vulnerable persons who become sick, such as Roma who have lost health insurance.[103] Joint Submission 2 (JS2) noted that certain groups of migrants are not covered by the public health insurance system and are bound by law to rely on costly private health insurance not covering all necessary health care.[104]

Right to education[105]

52. Regarding discrimination of Romani children in access to education, AI recommended that Czechia adopt a working definition of unlawful discrimination, in line with the grounds identified in national and international law, including ethnicity and segregation at schools.[106]

53. EU-FRA reported that Czechia introduced changes to its Education Act providing a number of support measures, including an obligatory pre-school year and a guarantee of kindergarten places for all three-year-old children.[107] AI added that the amendment introduced a compulsory last year of pre-school (either in kindergarten or in private care) free of charge and it should address the problem of delays in the start of compulsory schooling of Romani children who were not in pre-school and were assessed as "not ready" by counselling centres and placed into preparatory classes that were effectively segregated and Roma-only.[108] JS6 recommended that the Ministry of Education's failure to present a detailed plan for how schools will adapt to the mandatory pre-school education measure, and how parents will be made aware of their rights, must be rectified.[109] JS1 and the Public Defender of Rights welcomed the amendment to the School Act, recognising primacy of inclusive education over special education.[110] JS1 - referring to previous UPR recommendations[111] - expressed concerns about the implementation of the amendment, in part because the budget allocated to education reform is insufficient. It encouraged the

government to promote inclusive education more broadly by closing all special schools, ensuring all children are included in mainstream schools and explicitly forbidding, by law, any form of segregated education.[112]

54. EU-FRA and similarly CoE-Commissioner, JS6 and ERRC reported that in 2014, the European Commission pursued infringement proceedings against Czechia with respect to the Race Equality Directive, alleging discrimination against Roma children in educational legislation and practice because of disproportionately high numbers of Roma children systematically misdiagnosed as mentally disabled and placed into special schools for children with learning difficulties.[113] Despite continuous efforts by civil society organizations over the past decade to promote effective implementation of the *D.H. and others v. Czech Republic* judgment by the European Court of Human Rights, little has changed for Roma pupils in the educational sphere, and systematic discrimination against and segregation of Roma children persists.[114]

55. EU-FRA's Roma survey shows that as many as 23% of surveyed Roma children up to the age of 15 attend special school and classes that are mainly for Roma.[115] Citing figures of the Ministry of Education for the academic year 2016/2017 that Roma pupils account for 3.7% of pupils at all elementary schools while they make up 30.9% of all pupils being taught according to curricula for children with mild mental disabilities, ERRC noted that this is showing that approximately every fourth Roma pupil is educated in segregated settings.[116] Similarly, as recent data (2016) from the Ministry of Education shows, JS6 noted that a disproportionate number of Roma children are still diagnosed with mild mental disability.[117]

56. AI and similarly JS6 noted that in September 2016, the amended Schools Act entered into force abolishing separate educational programme for pupils with mild mental disabilities and introduced a set of support measures to facilitate the education of children with special needs in mainstream schools.[118]

57. ERRC recommended taking steps to completely disassemble the special education system and ensure realisation of the right to inclusive education for all children. It further recommended ending segregation of Romani children in mainstream ethnically homogenous schools[119], by re-drawing catchment areas and adopting concrete plans of desegregation.[120] JS1 expressed similar concerns and added that geographical areas that schools are supposed to cover, so called catchment areas, are inappropriately divided and a lack of fair and suitable assessment techniques of children's abilities often leads to segregation.[121] The Public Defender of Rights recommended that primary schools abandon unreasonable uniform testing of children upon registration for first grade.[122]

58. JS6 noted that the amended Education Act provides for a system of free support measures for children with special educational needs, defined as those pupils who require additional help to "fulfil their educational opportunities or for the enjoyment or exercise of their rights on an equal basis with others."[123] The amended Education Act "attached" funding to the child rather than the school, thereby eliminating the financial incentive to place a child in a special education school.[124] Notwithstanding, JS6 noted that the Ministry of Education has declined to disseminate clear guidance concerning the new provisions of the amended Education Act, leading to their confused, inconsistent, and in some cases, non-existent implementation.[125] JS6 recommended that detailed guidance be provided to schools and counselling centers on objective standards and fair processes relating to the provision of support measures for pupils with special needs, and ensure that adequate funding is available.[126]

59. JS1 indicated that Roma children and children with disabilities are disproportionately more likely to be placed in institutions. Roma children constitute around 20% of the children aged up to three years who are institutionalised, but are estimated to

make up only 3% of the child population in that age bracket.[127] ERRC highlighted that the majority of children with mental disabilities or multiple disabilities are educated in segregated schooling system.[128] ERRC cited data published by the Ministry of Education that, as of September 2016, only 205 out of 18,000 pupils diagnosed with mild disabilities were transferred to mainstream schools.[129] OSCE/ODIHR published a report: "Equal Access to Quality Education for Roma children: Field Assessment visit to the Czech Republic", which finds that many Roma children are still placed in specialized primary schools for no obvious reason.[130]

4. Rights of specific persons or groups

Women[131]

60. Referring to recommendation 94.81[132], CHC recommended to arrange for the training without delay of all Health Ministry legal personnel and staff involved in supervising reproductive health care how to safeguard the human rights of women and girls seeking gynaecological and obstetrical care, specifically with a view to performance of surgical sterilization or implementation of other contraceptive measures with long-term or permanent effect.[133]

61. Joint Submission 4 (JS4) noted that the implementation of episiotomy in medical facilities in an unjustifiably high percentage of cases persists, about 40% of women giving birth vaginally undergo episiotomy while WHO considers 10 percent justifiable.[134]

62. JS4 regretted that women and their children are not supported in bonding. There is a medically unexplained separation of new-born babies, even despite disapproval of the mother.[135]

Children[136]

63. While there is a clear commitment to end all institutionalisation of children in the National Strategy to Protect Children's Rights, JS1 highlighted that the Act on Social Services and the Act on the Socio-Legal Protection of Children preserve a legal framework that allows for institutionalisation of children.[137]

64. JS1 pointed out that despite the Civil Code prohibiting separation of children from their families solely for social reasons or inadequate housing, in practice these remain the dominant reasons for such separation.[138]

65. JS1 cited research by Lumos that 60% of children with disabilities had been institutionalised without involvement of state social services, but instead through contractual agreement between parents and the institution, adding that these children were generally not under the supervision of the child welfare authority.[139] According to JS1, the possibility to place a child into an institution simply based on a parental decision, is discriminatory and contrary to both the best interests of the child and Czechia's commitment to lower the number of children in institutions.[140]

66. With regard to the new Civil Code, the Public Defender of Rights highlighted the substantial prolongation of court proceedings in cases involving minor children or cases concerning legal capacity.[141]

67. JS1 noted that permission for the removal of a child from the family is most commonly granted through temporary court orders, which in accordance with the Act on Socio-Legal Protection of Children should only be used in exceptional circumstances, and must be issued within 24 hours after the request has been filed with the court by the social welfare authority. A temporary court order can be extended every month for a period up to six months.[142] Placements into an institution are often subsequently used for further

institutionalisation of a child based on a court decision.[143] The Public Defender welcomed that in certain cases the "Cochem Model" based on interdisciplinary co-operation was implemented by the authorities responsible for social and legal protection of children, including district courts.[144]

68. JS1 asserted that specialist services for children with autism or challenging behaviour are inadequate.[145]

Persons with disabilities

69. JS5 noted that the Antidiscrimination Act fails to properly define the concept of reasonable accommodation, denial of which constitutes a form of discrimination according to the Convention on the Rights of Persons with disabilities. It further notes that neither the law nor jurisprudence specifies whether it is the victim who carries the burden of proof on the „reasonableness".[146]

70. JS5 regretted that the Government has failed to take any concrete and targeted steps to ensure the right to living independently and being included in the community.[147]

71. CoE-Commissioner underlined the need to overhaul and transform psychiatric care, particularly by promoting de-institutionalisation, fully protecting persons with disabilities from involuntary hospitalisation through effective judicial review, and preventing and eliminating ill-treatment of persons deprived of their liberty.[148]

Minorities and indigenous peoples[149]

72. CoE-ACFC noted that citizenship still continues to be a requirement for persons belonging to minorities to access protection offered by law.[150]

73. CoE-Committee of Experts strongly urged the authorities to improve tolerance and understanding within society at large towards regional or minority languages, in particular in education and media.[151] The Committee of Ministers on the application of the European Charter for Regional or Minority Languages recommended changing the legislation concerning committees for national minorities; intensifying efforts to promote awareness and tolerance vis-à-vis all regional or minority languages and the cultures they represent; adopting a structured policy for the protection and promotion of German and Romani, and create favourable conditions for their use in public life; making available teaching in or of German as a minority language; offering teaching of Romani in mainstream education.[152]

74. CoE-ECRI noted that, according to various reports, policies regarding Roma have had little effect.[153] CoE-Commissioner called on the government to redouble efforts to combat and eradicate anti-Gypsyism.[154]

Migrants, refugees and asylum seekers and internally displaced persons[155]

75. JS2 noted that the deadline for transposing the EC Procedural Directive has lapsed, according to which an appeal organ in the asylum procedure could directly grant international protection.[156]

76. Recalling recommendation 94.120 supported during the second UPR[157], JS3 noted that, while the numbers of immigration detainees have decreased in 2016 and 2017 as a consequence of changing migration routes, detention is still used as a primary measure of deterrence.[158] Recalling recommendations by the Human Rights Committee urging to ensure that immigration detention is always reasonable, necessary, and proportionate with respect to a person's individual circumstances[159], as well as jurisprudence by the European Court of Human Rights[160] and Court of Justice of the European Union[161], JS3 noted the extensive number of grounds that can lead to immigration detention[162] and that there is no automatic regular judicial review.[163] JS3 noted that between 2015-2017 asylum seekers

tended to be imprisoned in regular prisons after arriving at the Prague international airport. According to the statements of imprisoned asylum seekers, their requests to submit an asylum application at the airport transit zone were ignored or directly rejected.[164] JS3 reported that every detainee (including minors) must pay a daily fee for accommodation and meals.[165]

77. JS3 noted that families with small children were routinely detained in 2015 and 2016, in 2015, 80 percent of them were younger than fifteen years and 40 percent were below the age of six.[166] Citing conclusions of the Ombudsperson that conditions for children in Bělá-Jezová constituted ill-treatment, JS3 noted that the authorities continue detaining families with children at Bělá-Jezová.[167]

78. JS2 reported that asylum seekers arriving at Prague airport transit zone with valid entry documents encountered obstacles to submit their asylum application. The authorities cancelled their valid visas while ignoring or rejecting asylum application requests and attempting their deportations without assessing possible obstacles to return, contrary to the non-refoulement principle.[168] JS3 observed that in practice asylum seekers who arrived at Prague airport transit zone with valid documents had difficulties to submit their asylum claim. The authorities frequently cancelled their valid visas and ignored or rejected asylum application request, preventing asylum seekers from leaving the airport transit zone and attempting their deportations without assessing possible obstacles to return, contrary to the non-refoulement principle.[169]

79. JS2 recommended that the access to visa-point system is secured and ensured that persons applying for visa/permit have real possibility to make an appointment via this system within a reasonable time and that visa/permit applications can also be submitted without visa-point system registration.[170]

Notes

[1] The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org.

Civil society

Individual submissions:

AI	Amnesty International, London (United Kingdom);
ADF International	ADF International, Geneva (Switzerland);
CHC	The Czech Helsinki Committee, Prague (Czechia);
ERRC	European Roma Rights Centre, Budapest (Hungary);
Global Initiative to End All Corporal Punishment of Children	Global Initiative to End All Corporal Punishment of Children, London (United Kingdom);
Public Defender of Rights	Public Defender of Rights, Czech Ombudsman, Brno (Czechia).

Joint submissions:

JS1	**Joint submission 1 submitted by:** LUMOS, the Child and Family Association (Asociace Dite a Rodina), Mental Disability Advocacy Centre (MDAC), Forum for Human Rights (FORUM) and the European Roma Rights Centre (ERRC), London (United Kingdom);
JS2	**Joint submission 2 submitted by:** Organization for Aid to Refugees (OPU), Forum for Human Rights (FORUM), Prague (Czechia);
JS3	**Joint submission 3 submitted by:** Global Detention Project, Organization for Aid to Refugees (OPU) and Forum for

	Human Rights (FORUM), Geneva (Switzerland);
JS4	**Joint submission 4 submitted by:** Liga Lidskych Prav, Czech Women's Lobby, Prague (Czechia);
JS5	**Joint submission 5 submitted by:** Mental Disability Advocacy Centre (MDAC) and Forum for Human Rights (FORUM), Prague (Czechia);
JS6	**Joint submission 6 submitted by:** Open Society Justice Initiative (OSJI), New York (USA) and Open Society Fund Prague, Prague (Czechia).

Regional intergovernmental organization(s):

CoE	The Council of Europe, Strasbourg (France); **Attachments**: (CoE-Commissioner) Council of Europe Commissioner for Human Rights, Report published on 21 February 2013 following his visit to the Czech Republic from 12 to 15 November 2012, CommDH (2013)1; Letter of 28 February 2014 to the Prime Minister of the Czech Republic, CommHR/HS/sf 006-2013; Letter of 6 October 2015 to the Prime Minister of the Czech Republic, CommHR/HS/sf 070-2015; Letter of 7 October 2016 to the Prime Minister of the Czech Republic, CommHR/NM/sf 042-2016; (CoE-CPT) Report to the Czech Government on the visit to the Czech Republic carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment from 1 to 10 April 2014, CPT/Inf (2015)18; (CoE-ECRI) European Commission against Racism and Intolerance report on the Czech Republic, adopted on 16 June 2015, CRI (2015)35; (CoE-ACFC) Advisory Committee on the Framework Convention for the Protection of National Minorities, Strasbourg, 4th Opinion adopted on 16 November 2015, ACFC/OP/IV (2015)004; (CoE-Committee of Experts) Committee of Experts on the European Charter for Regional or Minority Languages), Evaluation report on the Czech Republic on 17 June 2015; (Committee of Ministers on the European Charter for Regional or Minority Languages), Recommendations adopted on 1 December 2015; (CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings; (CoE-GRECO) – Group of States against Corruption, Fourth Round Evaluation Repot on the Czech Republic on 2 November 2016.;
EU-FRA	European Union Agency for Fundamental Rights, Vienna (Austria);
OSCE/ODHIR	Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

[3] For relevant recommendations see A/HRC/22/3, paras. 94.1, 94.2, 94.3, 94.4, 94.5, 94.6, 94.7, 94.8, 94.9, 94.10, 94.11, 94.12, 94.13, 94.14, 94.15, 94.16, 94.17, 94.21, 94.22, 94.29, 94.41.

[4] AI, p. 4.

[5] JS1, para. 36 and p. 9, para. 3(f); JS5, p. 3 and JS6, para. 4.

[6] JS6, para. 4.

[7] JS3, p. 9.

[8] CoE, p. 6.

[9] JS6, para. 8.

[10] CoE, p. 6.

[11] For relevant recommendations see A/HRC/22/3, paras. 94.18, 94.19, 94.20, 94.27, 94.28, 94.29, 94.30, 94.31, 94.32, 94.33, 94.36, 94.37, 94.38, 94.48, 94.49, 94.50, 94.51, 94.52, 94.53, 94.54, 94.60, 94.65, 94.67, 94.71, 94.72, 94.95, 94.96, 94.99, 94.100, 94.101, 94.102, 94.103, 94.104,

94.110, 94.111, 94.113.

[11] See CEDAW/C/CZE/CO/6, para. 11; A/HRC/22/3, para. 94.76 (Norway).

[12] JS1, para. 35 and p.10, recommendation (v); see also JS5, para.3; JS6, paras. 4 and 11.

[13] ERRC, para. 14, similarly JS6, paras. 4 and 11.

[14] JS6, paras. 12 and 13.

[15] EU-FRA, p. 10.

[16] EU-FRA, p. 10.

[17] Public Defender of Rights, para. 9.

[18] Public Defender of Rights, para. 17; see also CoE-ECRI, para. 25.

[19] CoE-ECRI, para. 117.

[20] CoE-ACFC, para. 32 and 34.

[21] CoE-ECRI, para. 24.

[22] JS6, para. 13.

[23] EU-FRA, p. 11.

[24] See A/HRC/22/3, para. 94.32 (Ireland).

[25] JS1, para. 5.

[26] Public Defender of Rights, para. 29.

[27] For relevant recommendations see A/HRC/22/3, paras. 94.23, 94.24, 94.42, 94.48, 94.49, 94.50, 94.51, 94.52, 94.53, 94.54, 94.55, 94.56, 94.57, 94.58, 94.59, 94.60, 94.61, 94.62, 94.63, 94.64, 94.65, 94.66, 94.67, 94.68, 94.69, 94.70, 94.71, 94.72, 94.73, 94.74, 94.75, 94.76, 94.122, 94.123, 94.124, 94.125, 94.128, 94.130.

[28] A/HRC/22/3/Add. 1, para. 7.

[29] AI, p. 1.

[30] CoE-ECRI, para. 10.

[31] CoE-ECRI, para. 123.

[32] OSCE/ODHIR, p. 4.

[33] CoE-ECRI, para. 29 and 36; see also CoE-ACFC, para. 54.

[34] CoE-ECRI, para. 29 and 36.

[35] CoE-ACFC 4th Opinion, para. 5.

[36] CoE, p. 2.

[37] CoE, p. 3; CoE-ACFC, 4th Opinion, para. 5.

[38] AI, p. 1, 2 and 3.

[39] AI, p. 5.

[40] Public Defender of Rights, para. 11 and 12; see also JS6, para. 10, citing the report of the Office of the Public Defender of Rights, "Discrimination in the Czech Republic: Victims of discrimination and obstacles hindering their access to justice (2015), paras. 88-98.

[41] CoE-ECRI, para. 28.

[42] Public Defender of Rights, para. 24.

[43] For relevant recommendations see A/HRC/22/3, paras. 94.77, 94.126.

[44] JS5, paras. 6 and 7.

[45] CoE-CPT, para. 14.

[46] CoE-CPT, paras. 22, 86 and 143.

[47] CoE-CPT, para. 171; see also paras. 169 and 170; see also CoE, p. 7 on the Execution of judgments and decisions of the European Court of Human Rights, Bures case (Application No. 37679/08).

[48] JS5, paras. 8 and 18.

[49] JS5, para. 9.

[50] CHC, para. 12.

[51] CoE-CPT, para. 184; see also paras. 181 to 183.

[52] Public Defender of Rights, para. 26; see also ERRC, para. 14.

[53] CHC, para. 8.

[54] CHC, p. 1; see A/HRC/22/3, para. 94.80 (Greece).

[55] CHC, para. 1.

[56] CoE, p. 5.

[57] ERRC, para. 11; see also Public Defender of Rights, para. 26; JS4, para.3 and p. 5.

[58] ERRC, para. 14.

[59] ERRC, para. 24 ii and iii.

[60] Global Initiative to End All Corporal Punishment of Children, para. 1.1; see A/HRC/22/3, paras.94.89 (Lichtenstein), 94.90 (Hungary), see also A/HRC/22/3/Add.1, para. 4.
[61] Global Initiative to End All Corporal Punishment of Children, para. 1.2 and 2, see also EU-FRA, p. 9; The Czech Republic and the European Social Charter, p. 5, Association for the protection of all children (APPROACH) ltd. V. the Czech Republic (Complaint No. 96/2013) finding a violation of article 17 of the 1961 European Social Charter.
[62] Public Defender of Rights, para. 27.
[63] CoE, p. 2 and 4, see also CoE-ECRI, para. 120, CoE-ACFC, para. 59.
[64] For relevant recommendations see A/HRC/22/3, paras. 94.40, 94.78, 94.79.
[65] Public Defender of Rights, para. 23, similarly CHC, paras. 14 to 16.
[66] CHC, para. 21.
[67] CoE-CPT, para. 70.
[68] CoE-CPT, paras. 16, 78, 121 and 161.
[69] CHC, para. 25.
[70] JS1, para. 32.
[71] JS1, para. 33.
[72] CoE-Committee of Experts, para. 143.
[73] CoE, p. 7.
[74] For relevant recommendations see A/HRC/22/3, paras. 94.43, 94.44, 94.134.
[75] EU-FRA, p. 20.
[76] OSCE/ODHIR, p. 2.
[77] OSCE/ODHIR, p. 2 and 3.
[78] CoE, p. 7.
[79] CoE-ECRI, para. 55.
[80] JS5, para.12.
[81] EU-FRA, p. 29.
[82] ADF International, para. 11.
[83] For relevant recommendations see A/HRC/22/3, paras. 94.24, 94.92.
[84] Public Defender of Rights, para. 21, see also the Czech Republic and European Social Charter, p. 4 on article 1 of the 1988 Additional Protocol – Right to equal opportunities and treatment in employment and occupation without sex discrimination.
[85] Public Defender of Rights, para. 22, see also the Czech Republic and European Social Charter, p. 5 on article 8, paragraph 2 of the European Social Charter.
[86] EU-FRA, p. 5 and 6.
[87] CoE-ECRI, para. 84.
[88] EU-FRA, p. 18.
[89] For relevant recommendations see A/HRC/22/3, paras. 94.24, 94.93.
[90] JS1, para. 9, see also CoE-ECRI, para. 112.
[91] JS1, para. 37 (e).
[92] Public Defender of Rights, para. 19.
[93] EU-FRA, p. 8.
[94] ERRC, para. 17.
[95] ERRC, para. 25 (iii and v), see also European Roma and Traveller Forum (ERTF) v. the Czech Republic (Complaint No. 104/2014), finding a violation of article 16 of the European Social Charter.
[96] CoE-ECRI, paras. 85 and 110.
[97] CoE-ECRI, paras 113 and 114, see also CoE-ACFC, paras. 6 and 15.
[98] Public Defender of Rights, para. 18, see also ERRC, para. 19.
[99] For relevant recommendation see A/HRC/22/3, para. 94.94.
[100] CHC, p.3; see A/HRC/22/3, para. 94.94 (Paraguay).
[101] CHC, para. 11.
[102] EU-FRA, p. 19.
[103] See European Roma and Traveller Forum (ERTF) v. the Czech Republic (Complaint No. 104/2014), finding a violation of article 11 of the European Social Charter, para. 119.
[104] JS2, para. 1, see also CEDAW/C/CZE/CO/6, para. 33; E/C.12/CZE/CO/2, para. 15.
[105] For relevant recommendations see A/HRC/22/3, paras. 94.95, 94.96, 94.97, 94.98, 94.99, 94.100, 94.101, 94.102, 94.103, 94.104, 94.105, 94.106, 94.107, 94.108, 94.109, 94.110, 94.111, 94.112.

94.113, 94.114, 94.115.

[106] AI, p. 4.

[107] EU-FRA, p. 7, see also AI, p. 2, ERRC, para. 5, CoE-ACFC, para. 11.

[108] AI, p. 2, see also CoE-ECRI, para. 83.

[109] JS6, para. 18.

[110] JS1, para. 8 and Public Defender of Rights, para. 20.

[111] See A/HRC/22/3, paras. 94.95 (Palestine), 94.96 (Canada), 94.98 (Norway), 94.99 (Indonesia), 94.100 (United States of America), 94.102 (Kyrgyzstan), 94.103 (Denmark), 94.104 (Finland), 94.106 (Spain), 94.107 (Mexico), 94.108 (Slovenia), 94.109 (Bangladesh), 94.110 (Australia), 94.111 (Austria), 94.112 (Brazil), 94.113 (United Kingdom of Great Britain and Northern Ireland), 94.114 (Uzbekistan).

[112] JS1, paras. 8 and 28.

[113] EU-FRA, p. 7, JS6, para.7, ERRC, para. 1, see also CoE Commissioner for Human Rights report of 21 February 2013.

[114] JS6, para. 3, citing D.H. and Others v. Czech Republic, see also CHC, paras. 2 and 6.

[115] EU-FRA, p. 14, see also CoE-ACFC, para. 91.

[116] ERRC, paras. 4 and 7.

[117] JS6, paras. 3 and 19.

[118] AI, p. 2, similarly JS6, para. 15.

[119] See also Committee of Experts evaluation report, European Charter for Regional or Minority Languages, para. 97.

[120] ERRC, para. 23, see also AI, p. 4.

[121] JS1, para. 30.

[122] Public Defender of Rights, para. 20.

[123] JS6, para. 15.

[124] JS6, para. 16.

[125] JS6, para. 17.

[126] JS6, para. 4.

[127] JS1, para. 21.

[128] ERRC, para. 3.

[129] ERRC, para. 4.

[130] OSCE/ODHIR, p. 5.

[131] For relevant recommendations see A/HRC/22/3, paras. 94.34, 94.43, 94.44, 94.45, 94.46, 94.47, 94.80, 94.81, 94.82.

[132] CHC, p.1; see A/HRC/22/3, para. 94.81 (South Africa).

[133] CHC, para. 5.

[134] JS4, para. 8.

[135] JS4, para. 11, see also on a related issue CoE, p. 7 on the Execution of judgments and decisions of the European Court of Human Rights, Hanzelkovi case (Application No. 43643/10).

[136] For relevant recommendations see A/HRC/22/3, paras. 94.3, 94.25, 94.35, 94.36, 94.37, 94.38, 94.39, 94.85, 94.86, 94.87, 94.88, 94.89, 94.90, 94.91.

[137] JS1, para. 6.

[138] JS1, para. 12, see also Public Defender of Rights, para. 13.

[139] JS1, para. 23.

[140] JS1, para. 25.

[141] Public Defender of Rights, para. 14.

[142] JS1, para. 17.

[143] JS1, para. 19.

[144] Public Defender of Rights, para. 16.

[145] JS1, para. 15.

[146] JS5, para. 4.

[147] JS5, para.16.

[148] CoE, p.2 and 3.

[149] For relevant recommendations see A/HRC/22/3, paras. 94.33, 94.40, 94.73, 94.115, 94.121, 94.122, 94.123, 94.125, 94.127, 94.128, 94.129, 94.130, 94.131, 94.132, 94.133, 94.134, 94.135.

[150] CoE-ACFC, para. 18.

[151] CoE-Committee of Experts, para. 111.
[152] Recommendation CM/RecChl. (2015)5 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the Czech Republic.
[153] Coe-ECRI, para. 79.
[154] CoE, p.4.
[155] For relevant recommendations see A/HRC/22/3, paras. 94.115, 94.116, 94.117, 94.118, 94.119, 94.120.
[156] JS2, para. 9.
[157] See A/HRC/22/3, para. 94.120 (Uzbekistan).
[158] JS3, p. 2, see also AI, p. 4.
[159] See CCPR/C/CZE/CO/3, para. 17.
[160] See 30241/11, Bunshvili v. the Czech Republic.
[161] C-528/15, Al Chodor and others.
[162] JS3, p. 2.
[163] JS3, p. 3.
[164] JS3, p. 5, see also AI, p. 4.
[165] JS3, p. 6.
[166] JS3, p. 4.
[167] JS3, p. 7, similarly AI, p. 4, see also CoE-CPT, p. 2.
[168] JS2, para. 6.
[169] JS3, p. 7.
[170] JS2, para. 13.